

TOWN OF COTTAGE GROVE
SPECIAL BOARD MEETING
April 30, 2004

I. The meeting was called to order by Chairman Hampton at 1.15 P.M. It was determined a quorum was **NOT** present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton. Mike Klinger arrived at 1:20 P.M. Also present: Jeff Smith.

II. Road Bids – Open and Review:

A. Seal Coating Bids:

1. Fahrner Asphalt Sealers, Inc. – Quartzite Chips

Sealcoat	58,980 gallons
Oil/20 ft. mile	4600 gallons
Stone/20 ft. mile	150 Tons
Cost/20 ft. mile	\$6,376.83
Pickup Broom Cost	\$100.00/hour
Total cost of all sealcoating projects	\$79,868.00
2. Scott Construction, Inc. – Quartzite Chips

Sealcoat	55,881 gallons
Oil/20 ft. mile	4600 gallons
Stone/20 ft. mile	140Tons
Cost/20 ft. mile	\$6,969.40
Pickup Broom Cost	\$100.00/hour
Total cost of all sealcoating projects	\$87,351.85

B. Black Top Bids:

1. Wolf Paving

Estimated Tons	2525
Cost/Ton	\$26.79
Type of Gravel	Limestone
Total cost of all repaving projects	\$67,644.75

Note: Gaston Road and Susan Lane should be scratched first they overlayed.
2. B.R. Amon & Sons

Estimated Tons	2501
Cost/Ton	\$23.35
Type of Gravel	Sand & Gravel
Total cost of all repaving projects	\$58,398.35
3. Payne & Dolan, Inc.

Estimated Tons	2460
Cost/Ton	\$24.84
Type of Gravel	Grade #3 Material
Total cost of all repaving projects	\$61,106.40

III. The Road Bids and highway budget were reviewed, and discussion included using excess in the budget to:

- A. Pave and widen the eastern end of Bass Road to facilitate snow plowing. Jeff estimated \$1500.00.
- B. Replace the first culvert on North Star Road. Jeff estimated \$5500 for 72" culvert.
- C. Center Stripe more Town roads. Chairman Hampton asked for a map showing all roads already striped, and a list of those to do next.

IV. The Road Bids will be awarded at the Regular Board Meeting on May 3, 2004.

V. The meeting was adjourned at 2:00 P.M.

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
Date: May 3, 2004

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Dave Morrow, Virgil Schroeder, Steve Anders, Mike Klinger.
- II. Minutes of Previous Meetings:
 - A. **MOTION** by Schroeder/Klinger to approve minutes of Regular Board Meeting April 19, 2004. **MOTION CARRIED 4-0.** Anders abstained.
 - B. **MOTION** by Klinger/Hampton to approve the minutes of Special Board Meeting April 30, 2004. **MOTION CARRIED 2-0.** Morrow, Schroeder and Anders abstained.
- III. Finance Report:
MOTION by Schroeder/Morrow to approve payment of bills corresponding to checks # 10661 – 10704 and to release checks #10498, 10535, 10655. **MOTION CARRIED 5-0.**
MOTION by Anders/Klinger to accept net worth at \$907,533.77. **MOTION CARRIED 5-0.**
- IV. Public Concerns: None
- V. Right of Way Permits: Alliant Energy on Conestoga Trail and Nora Road. **MOTION** by Anders/Klinger to approve both jack & bore for gas service at 4556 Conestoga Trail and trench for electric service at 1681 Nora Road. **MOTION CARRIED 5-0.**
- VI. Landfill Update: Supervisor Anders reported that the latest test gave a .05% methane reading (smallest reportable reading) on Gas Probe 8.
- VII. Website Update: Supervisor Klinger advised the Board to take a look at the progress that Clerk Banigan has made recently on the Website. A possible decision to go live will be on the May 21, 2004 agenda.
- VIII. Plan Commission Recommendations:
 - A. Karen Ehlenfeldt (Helen Galarowicz, Owner) - End of Gala Way – Zone Change – A-1EX to RH-1 for 2 acres. Intended use for a single dwelling home. (Return 2 acres of unacceptable for building site from RH-1 to A-1EX). Wants to move west of rezoned parcel. No other impacts.
MOTION by Morrow/Anders to approve PC recommendation to to rezone 2.006 acres from A-1EX to RH-1 and return 2 acres previously rezoned to RH-1 to A-1EX. **MOTION CARRIED 5-0.**

- B. Scott Voit (Mary Showers Farm Partnership, Owner). **MOTION** by Morrow/Anders to approve PC recommendation to drop application for no show. Discussion ensued about denying rather than dropping application due to Scott Voit's non-participation in both Planning Commission and Town Board meetings. After discussion Morrow amended his **MOTION** to deny the application due to non-participation. Anders seconded the **MOTION**. **MOTION CARRIED 5-0.**
- IX. Reconsider Park Fees for Viney Estates. Supervisor Morrow stated that it appears Viney's were given incorrect information at some point by the Plan Commission or the Town Board regarding park fees, even though the current ordinance was in effect at the time. He further stated that since it is important for the Board to be consistent in the application of Park Fees, the amount would need to be higher than the \$200-\$300 per lot that Viney's had somehow been let to believe. **MOTION** by Schroeder seconded by Morrow with discussion to reduce Park Fees to \$1500, \$1000 to be paid immediately, \$500 at a later time to be determined by the Board. Donald Viney stated that he felt the fault of the confusion fell on both parties, and just wanted to be finished with the issue. He did not require that payment be broken into two installments. **MOTION CARRIED 5-0.** Chairman Hampton also stated that the Town had incurred attorney fees relating to the Development Agreement. Treasurer Debbie Simonson presented Marilyn Viney with an invoice showing the amount due of \$202.50.
- X. Sheriff Hamblin reported on two areas of concern to the Sheriff's Department.
- A. Operation of the Jail continues to be a financial drain as the jail population rises along with the general population. Currently it houses 1134 inmates, while capacity is 942. It will cost \$1,000,000 to transport and house inmates in other jails in 2004. Everything is being done to minimize the jail population, including Treatment and Diversion programs, 60 inmates out on electronic monitoring, and participation in the Large Jail Network to share ideas with other similar sized jails. According to the Federal Government, the Jail is already under staffed. Since there is nothing left to cut in the Jail budget, cuts need to come from other areas, which affects law enforcement in rural Dane County.
- B. Sheriff Hamblin expressed concern over the membership in Dane County Committees, especially the Public Protection and Judiciary Committee, which currently has no members from rural areas.
- C. Chairman Hampton asked what the correct ratio of police officers to citizens is. Sheriff Hamblin stated it was right around 2 officers/1000 citizens.
- XI. Road Bids. **MOTION** by Morrow/Klinger to accept Fahrner's sealcoat bid for \$79,868.00 and B.R. Amon & Sons' repaving bid for \$58,398.35, as well as to approve paving and widening of the end of Bass Road at \$1500.00, to authorize Highway Superintendent Jeff Smith to purchase and install a 72" culvert with ends on North Star Road at \$5500, and to authorize an additional 7 miles of center striping of Town roads at Highway Superintendent Jeff Smith's discretion, not to exceed \$10,000. **MOTION CARRIED 5-0.**

- XII. Flynn Hall Agreement. **MOTION** by Klinge/Anders to accept the First Addendum to Lease and Cooperative Use Agreement Regarding Flynn Hall. **MOTION CARRIED 5-0.**
- XIII. Block Party Pheasant Run. No residents were present. **MOTION** by Anders/Schroeder to table the matter until next meeting on May 17, 2004. Residents should appear at the meeting and/or bring signatures of those not in attendance, as well as be prepared to describe the nature of the block party. **MOTION CARRIED 5-0.**
- XIV. Discussion of ETZ. Chairman Hampton stated that Extra Territorial Zoning provides for a committee comprised of 3 members from the Village and 3 members from the Town who will, over a 2 year period, develop a zoning code for the Extra Territorial area. During the two year period, no changes can take place in the ETZ, and once the new zoning code is established, the County no longer has any say in the ETZ. This is an item on the Joint Town and Village Boards meeting on May 6, 2004.
- XV. Clerks Report
- A. Dane County Ordinances: None.
- XVI. Board of Reports
- A. Cable. Chairman Hampton asked Supervisor Anders to check into cable internet service for the Town Office.
- XVII. Committee Reports
- A. LEC. Next meeting is Tuesday May 25, 2004.
- XVIII. Adjournment:
MOTION by Klinger/Morrow to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:58 P.M.

Kim Banigan
Clerk

JOINT MEETING
TOWN OF COTTAGE GROVE BOARD OF SUPERVISORS
VILLAGE OF COTTAGE GROVE BOARD OF TRUSTEES
MAY 6, 2004
REVISED

- I. The meeting was called to order by Town Chairman Hampton at 7:02 P.M. It was determined a quorum was present and the meeting was properly posted in both Municipalities. Members present: Town: Virgil Schroeder, Mike Klinger, Steve Anders, Kris Hampton. Village: Patty Krall, Katie Giese, Fred Schulze, Diane Wiedenbeck, Randy Margenau. Also present: Town Clerk Kim Banigan.
- II. Minutes of Previous Meetings:
 - A. **MOTION** by Schulze/Anders to approve minutes of Joint Meeting February 5, 2004 with corrections as follows: 1) Patty not Patti Krall in paragraph II. 2) Katie Giese not Griese throughout. **MOTION CARRIED 7-0-2.** Wiedenbeck and Margenau abstained.
 - B. **MOTION** by Anders/Schroeder to approve the minutes of Joint Meeting April 1, 2004. **MOTION CARRIED 6-0-3.** Schulze, Wiedenbeck and Margenau abstained.
- III. Proclamation for local World War II Veterans. **MOTION** by Giese/Wiedenbeck to approve Proclamation 2004-02 Recognizing May 29, 2004 as National World War II Memorial Day. **MOTION CARRIED 9-0.** Town Chairman Hampton shared an invitation to everyone, especially World War II Veterans, to a Recognition Breakfast at Black Bear Inn at 7:00 A.M. on Thursday May 20, 2004.

Village President Ken Dahl arrived at 7:10 P.M.

- IV. Update on Flynn Hall Agreement. Town Chairman Hampton stated that the Town Board had passed the agreement without the note by the Village that any changes over the \$5100 per party must be in writing. Village Trustee Schulze stated that the clause had been added on advice of the Village's attorney. Town Chairman Hampton questioned whether it was really necessary since any changes would need to be passed by both boards, which would have a written record. Town Supervisor Klinger stated that even though the phrase may not be necessary, it didn't hurt anything anyway. **MOTION** by Klinger/Anders to accept the First Addendum to Lease and Cooperative Use Agreement Regarding Flynn Hall with the in-writing note made by the Village. **MOTION CARRIED 4-0.** (Town Board voted only).

Citizen Ron Reynolds representing the Lions Club stated that to his knowledge the Lions Club had not seen the Addendum. He was given a copy to present to the Lions Club.

- V. Discuss/Consider Proposed Entrance Signs – Chamber of Commerce & Lions Club. Ron Reynolds representing the Chamber of Commerce and Lions Club presented several sign designs from Badger Display. Posts around the sign would give spaces for local

organizations to display their signs (Lions, Lionesses, Knights of Columbus, Boy Scouts, Girl Scouts, etc.). Their signs must all be within the same size parameters so as not to overshadow each other or the main Cottage Grove sign. In return for displaying their signs, the organizations would be required under contract to maintain the sign sites. Signs would be funded completely by donation, from local businesses and organizations. Pricing for the sign has not been finalized. Mr. Reynolds suggested that the signs be bolted on rather than permanently attached, so they could be easily removed for maintenance or moving to a different location. Mr. Reynolds also suggested some sort of stone raised bed around the signs that could be filled with seasonal flowers, etc.

After discussion a sign much like the one currently at the Emergency Services Building, except not lighted, was selected as the favorite. A similar sign with a vertical design was also discussed, although the effect of wind on it was a concern.

Four locations for the signs were discussed. 1) On the north end of town, on the west side of Highway N just south of Interstate 94. 2) On the West end of town, Fongers have offered a site on their land on the south side of Highway BB just east of Vilas Road. 3) On the east side of town, in the land owned by Wildwood Clinic on the north side of Highway BB just west of Myer road. 4) On the south side of town, several locations were discussed, all on the east side of Highway N. First was the land North of Nora Road, owned by Garst Seed. Also discussed was land owned by Silverstone Construction just north of Hwys 12 & 18, and land owned by Eugene Skaar between the two openings to Natvig road. Ron Reynolds stated that once the locations are narrowed down, Badger Display would like to superimpose a picture of the sign onto a digital photo of each site in order to help us visualize the result. Chairman Hampton stated that a permanent easement would need to be secured with each land owner. He further suggested that Mr. Reynolds check with Dane County Zoning regarding their sign ordinances.

Mr. Reynolds agreed to do further research regarding location, pricing and zoning. The signs will be on the June 3, 2004 Joint Meeting agenda.

- VI. Update on Landfill: Town Chairman Hampton reported that the latest test gave a .05% methane reading (smallest reportable reading) on Gas Probe 8. This is the first above zero reading since October 10, 2002, which was also .05%. The DNR's action level is 15%.
- VII. Discuss Possible Landfill Agreement. Town Chairman Hampton asked if the Village would like to negotiate an agreement before the issue goes to court. Village President Dahl stated that the Village was waiting for last legal counsel, and was not willing to discuss an agreement at this point.
- VIII. Discuss ETZ. Village President Dahl described ETZ as a sort of Joint Planning Committee with extra authority over a ring 1.5 miles from the Village limits, except where it falls against other municipalities. The committee would have the authority to deny any development that did not fit within its criteria for melding of the Town and Village. Village Trustee Schulze asked whether the committee would consist of different members than the current Plan Commission, to which Town Chairman Hampton replied

that he thought it needed to be comprised of elected officials, 3 from the Town, 3 from the Village.

Town Chairman Hampton stated that a benefit from the Town's perspective was to eliminate Dane County's authority over zoning in the ETZ area. He noted two such alliances that have recently been formed: Waunakee and Westport, and Middleton and Springdale. He will try to get someone from one of these alliances to speak with us at the June 3, 2004 Joint Meeting. Village President Dahl will research the steps required to establish the ETZ for our next meeting.

- IX. Discuss Bidding of Garbage Pick-up for Town & Village. Town Chairman Hampton stated that the City of Monona has expressed interest in joining with other communities for bidding purposes. Village President Dahl will check with them. Town Supervisor Anders noted that the service level of Waste Management has been very acceptable, and we should be sure to stay with a vendor who can provide this level of service. A goal was set to be ready for bids by the end of June, and have the new contract by August 1, 2004. The matter will be taken up further at the June 3, 2004 Joint Meeting.
- X. Items for next agenda and meeting date. The next Joint Meeting is set for Thursday June 3, 2004 at the Village Hall. Agenda items include Garbage Pickup Contract, Entrance Signs, Landfill Agreement, ETZ.
- XI. Citizens Present at meeting: Linda Fonger, Diane Shaw, Ellery Jensen, Ron Reynolds, Herald/Independent Reporter Katie Austin.
- XII. Adjournment: **MOTION** by Schulze/Anders to adjourn. **MOTION CARRIED 10-0.** The meeting was adjourned at 8:02 P.M.

Kim Banigan
Town Clerk

TOWN OF COTTAGE GROVE
BOARD OF REVIEW
MAY 17, 2004

- I. Town Chairman Hampton called the meeting to order at 6:55 P.M. Board of Review members present were: Kris Hampton, Dave Morrow, Steve Anders, Mike Klinger, Kim Banigan. Chairman Hampton stated the Assessment Roll is not ready.
- II. **MOTION** by Anders/Morrow to adjourn until June 21, 2004. **MOTION CARRIED 5-0.** The meeting was adjourned at 6:57 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND REGULAR BOARD MEETING
MAY 17, 2004

The Public Hearing was called to order by Chairman Hampton at 7:00 P.M. Chairman Hampton asked if there was any discussion regarding the Uniform Fire Code Ordinance. **MOTION** by Anders/Klinger to adjourn the Public Hearing. **MOTION CARRIED 4-0.** The Public Hearing was adjourned at 7:01 P.M.

- I. The meeting was called to order by Chairman Hampton at 7:05 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Dave Morrow, Steve Anders, Mike Klinger. Also present were Highway Superintendent Jeff Smith, Police Chief John Gould and Clerk Kim Banigan.
- II. Minutes of Previous Meeting: **MOTION** by Klinger/Morrow to approve minutes of Regular Board Meeting May 3, 2004. **MOTION CARRIED 4-0.**
- III. Finance Report:
MOTION by Morrow/Klinger to approve payment of bills corresponding to checks #10707 – 10743. **MOTION CARRIED 4-0.** **MOTION** by Anders/Klinger to accept net worth at \$840,391.15. **MOTION CARRIED 4-0.**
- IV. Public Concerns: Jennifer Ward expressed her family's concern about traffic on the one mile stretch of Vilas Road between Highway 12&18 and Hope Road. She stated that there are no speed limit signs posted, and that vehicles traveling at excessive speeds are a danger to pedestrians. Chairman Hampton asked Highway Superintendent Smith to check on signs before the next meeting.
- V. Right of Way Permits: Charter Communications: **MOTION** by Klinger/Anders to approve plow and drill to replace failed cable at 4503 Baxter Road. **MOTION CARRIED 4-0.**
- VI. Landfill Update: None.
- VII. Website Update: **MOTION** by Morrow/Klinger to go live with the Web Site. **MOTION CARRIED 4-0.** Chairman Hampton asked Clerk Banigan to notify The Independent of the Web Site address.
- VIII. Update on Ad Hoc Well Testing Group. **MOTION** by Morrow/Anders to accept the meeting notes from the Ad Hoc Well Testing Group, and to accept their recommendations. **MOTION CARRIED 4-0.**
- IX. Alternate Route Project. Police Chief John Gould presented a draft by the Wisconsin Department of Transportation outlining a partnership agreement providing for alternate routes when an incident on I-39/90/94 corridors within Rock, Dane, Jefferson and Waukesha counties requires traffic to be diverted. **MOTION** by Morrow/Klinger to support the Alternate Route Study, and for Clerk Banigan to send a letter expressing our

support of the study and interest in the participating in the final Interagency Partnering Agreement. **MOTION CARRIED 4-0.**

- X. Second Driveway – 4678 Meadowlark Street – Zenger. Jamie and Renee Zenger presented current driveway photos and a diagram of a proposed second driveway connected in a U-shape with their current driveway. **MOTION** by Klinger/Anders to accept the U-shape driveways, not to exceed 25 feet each, at 4678 Meadowlark Street. **MOTION CARRIED 3-0-1.** Morrow abstained.
- XI. Variance for Driveway – 4472 – 4468 – 4466 Wind Chime Way. Clifton Smith at 4468 owns a driveway off of which driveways for 4472 and 4466 have their driveways. The Plat Map shows “No Vehicular Traffic” for his driveway, and there is not the required 66 feet for a town road. Nancy O’Connell at 4472 cannot sell her house because of no approved access. **MOTION** by Klinger/Anders to grant a variance to driveways at 4472, 4468 and 4466 Wind Chime Way, and to remove the “No Vehicular Access” from the plat. **MOTION CARRIED 4-0.**
- XII. Block Party – Pheasant Run. Clerk Banigan reported that she had spoken by telephone with one of the residents to inform them of the time and place of tonight’s meeting. As no interested parties were present, the item was skipped.
- XIII. Consider/Adopt Ordinance 12.03 – Uniform Fire Code. **MOTION** by Anders/Klinger to accept and adopt Ordinance 12.03 – Uniform Fire Code. **MOTION CARRIED 4-0.**
- XIV. Purchase Software. Clerk Banigan requested permission to purchase Adobe Acrobat software for publication of .pdf documents on the Town Web Site, at an estimated cost of not more than \$299.00. **MOTION** by Morrow/Klinger to allow purchase of Adobe Acrobat software. **MOTION CARRIED 4-0.**
- XV. Consider Signage for Landfill. Chairman Hampton suggested erecting a sign at the Landfill site showing passersby something like a thermometer representing how much the Village of Cottage Grove owes the Town for monitoring of the Landfill. **MOTION** by Klinger/Anders to allow the Town to erect a sign at the Landfill site. **MOTION CARRIED 4-0.**
- XVI. Approve Committee Appointments. **MOTION** by Anders/Klinger to approve Committee Appointments. **MOTION CARRIED 4-0.**
- XVII. Accept Letter of Credit. **MOTION** by Anders/Klinger to approve the Letter Of Credit as received by the Town from John and Nancy Hornung. **MOTION CARRIED 4-0.**
- XVIII. Clerks Report.
 - A. Dane County Ordinances: None.
- XIX. Board Reports

- A. Cable. Supervisor Anders stated that he had spoken with someone at Charter who will call Ruth Gjermo to arrange the installation of high speed internet service for the Town Office.

XX. Committee Reports

- A. Ordinance Committee. Highway Superintendent Smith asked that the next meeting of the Ordinance Committee consider an ordinance prohibiting roadside memorials on Town roads. Chairman Hampton asked Clerk Banigan to ask the Wisconsin Town's Association Attorney if she is aware of any such adopted ordinances.
- B. LEC. Chairman Hampton stated that the Monona Grove School District has asked for the Town's presence at a joint meeting with the Village and the City of Monona at 7:00 P.M. on May 25, 2004, which conflicts the next LEC meeting. The LEC meeting was rescheduled for 6:00 P.M. on May 25, 2004.

- XXI. Adjournment: **MOTION** by Klinger/Anders to adjourn. **MOTION CARRIED 4-0.**
The meeting was adjourned at 8:30 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
SPECIAL BOARD MEETING
JUNE 1, 2004

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Dave Morrow, Virgil Schroeder, Steve Anders, Mike Klinger.
- II. **MOTION** by Klinger/Morrow to move to closed session as permitted by WIS. STATS. {19.85}(1)(e) deliberating or negotiation the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Roll call vote: Klinger – Aye; Morrow – Aye; Schroeder – Aye; Anders – Aye; Hampton – Aye. **MOTION CARRIED 5-0.**
- III. **MOTION** by Klinger/Anders to reconvene to open session. Roll call vote: Klinger – Aye; Morrow – Aye; Schroeder – Aye; Anders – Aye; Hampton – Aye. **MOTION CARRIED 5-0.**
- IV. **MOTION** by Morrow/Klinger to direct the Chairman to prepare and present the Town's response to the Village Proposal for Joint Law Enforcement Agreement dated May 25, 2004. **MOTION CARRIED 5-0.**
- V. **MOTION** by Klinger/Morrow to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 7:50 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD CLOSED SESSION
JUNE 1, 2004

NOT A PUBLIC RECORD (Approved and Released 2/21/2005)

- I. **MOTION** by Klinger/Morrow to move to closed session as permitted by WIS. STATS. {19.85}(1)(e) deliberating or negotiation the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. **Roll call vote: Klinger – Aye; Morrow – Aye; Schroeder – Aye; Anders – Aye; Hampton – Aye. MOTION CARRIED 5-0.**
- II. Discussion regarding the Village of Cottage Grove's Proposal for Joint Law Enforcement Agreement dated May 25, 2004 resulted in the following to address each of the 6 points:
 - A. Continue the current funding mechanism based on Total Combined Equalized Value of the municipalities, but cap the Town's portion at 45%.
 - B. No new officers. Stay with current formula of 1.2/1000.
 - C. Kris will ask Connie how long after the population reaches 5000 before the citizen based Police Commission must be in place.
 - D. The Town would like the agreement to cover 3 years, with Total Combined Equalized Value re-evaluated yearly.
 - E. Response relates to C. above
 - F. Resolution 2001-01 of the Cottage Grove Joint Law Enforcement Committee should remain in place.
- III. Plan is for the Town's response to be delivered to the Village in writing at the joint meeting on June 3, 2004, with their response requested by June 14, 2004
- IV. **MOTION** by Klinger/Anders to reconvene to open session. **Roll call vote: Klinger – Aye; Morrow – Aye; Schroeder – Aye; Anders – Aye; Hampton – Aye. MOTION CARRIED 5-0.**

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
PUBLIC HEARING – 2004-2005 LIQUOR LICENSES
JUNE 7, 2004

- I. The Public Hearing was called to order by Chairman Hampton at 7:00 P.M. Members present: Steve Anders, Dave Morrow, Virgil Schroeder, Mike Klinger, Kris Hampton.
- II. Chairman Hampton asked if there was any discussion from the public. No one spoke.
- III. The Clerk presented the applications for the following establishments, and stated that all fees were paid and background checks were acceptable:

A. Havaball, Inc. d.b.a. Double Days

Margaret Strause, Agent
4586 Baxter Road
Cottage Grove, WI 53527
Class "B" Liquor \$ 500.00
Class "B" Beer \$ 100.00
Operator's License (5@\$25) \$ 125.00
Manager's License (2@\$25) \$ 50.00

TOTAL \$ 775.00

B. Country Corners

Patricia J. Youngs, Agent
3737 CTH "AB"
McFarland, WI 53558
Class "B" Liquor \$ 500.00
Class "B" Beer \$ 100.00
Cigarette \$ 5.00
Operator's License (8@\$25) \$ 200.00

TOTAL \$ 805.00

C. Nora's Tavern

Todd A. Kluever, Agent
1843 Hwy 12 & 18
Deerfield, WI 53531
Class "B" Liquor \$ 500.00
Class "B" Beer \$ 100.00
Cigarette \$ 5.00
Operator's License (18@\$25) \$ 425.00

TOTAL \$1030.00

JOINT MEETING**VILLAGE OF COTTAGE GROVE BOARD OF TRUSTEES
AND
TOWN OF COTTAGE GROVE BOARD OF SUPERVISORS****June 3, 2003
MINUTES****1. Call to order.**

Village President Dahl called the meeting to order at 7:03. One (1) citizen was present.

2. Determination that a quorum is present and that the meeting was properly posted.

It was determined that a quorum was present and that the agenda had been properly posted.

Village Board. Roll call was taken. Present were: Randy Margenau, Diane Wiedenbeck, Kathleen Giese, President Ken Dahl, and Fred Schulze. Absent were: Suzanne Zinkel, and Patricia Krall

Town Board. Roll call was taken. Present: Chairperson Kristopher Hampton, Virgil Schroeder, and Michael Klinger. Absent were: David Morrow, and Steve Anders

Staff present: Village Administrator Kim Manley, Village Clerk-Treasurer Peggy Chapman

3. Pledge of Allegiance.**4. Discuss and consider the minutes of the May 6, 2004 Meeting.**

Giese noted a typographical error stating that Item II B. should reflect that Giese voted to approve the minutes with a final voice vote of 6-0-3. Schulze made a motion to approve minutes of May 6, 2004 with these changes, seconded by Hampton. Motion passed on a unanimous voice vote, 8-0-0.

5. Discuss and consider Extraterritorial Zoning Jurisdiction (ETZ).

John VanDinter of the Town of Westport provided information on his experience in working with ETZ. The City of Waunakee has an ETZ with the Town of Westport. He stated that they already share a Fire Department, Ambulance Service and School District. They created a joint Plan Commission which consists of two Plan Commission members and one citizen per municipality. Four members equal a majority. The Town also has an ETZ with Middleton.

VanDinter suggested the steps to creating an extraterritorial zoning jurisdiction are: 1) identify area 2) create zoning 3) adopt ordinance 4) make joint planning commission. After a lengthy discussion, the Board members thanked him for the valuable information he'd shared with them

VanDinter offered Tom Wilson, Town of Westport Attorney for assistance in the planning process.

6. Discuss and consider Garbage/Recycling Collection contract:

Discussion was held considering the benefits of having the City of Monona join us for an RFP for the garbage contract. It was the consensus of the Boards that the contract remain as it is and that volume based collection not be considered. Manley to report back to the Boards at the next meeting.

7. Continue discussion and consideration of Community Entrance Signs

No action taken.

8. Discuss Joint Police Agreement

Town Chair Hampton noted that a response had been provided to the Village. He stated that the letter requested a response by the 14th and noted that the current agreement expires on December 31, 2004.

9. Future agenda items: ETZ, Garbage/Recycling Collection contract, Signage**10. Adjourn**

Motion by Schulze, seconded by Hampton to adjourn. Motion carried on a unanimous voice vote, 8-0-0. Meeting adjourned at 8:16 p.m.

Respectfully submitted by Peggy Chapman, CMC, Clerk-Treasurer

Approved at July 2, 2004 meeting

D. Door Creek Golf Course
Patty Bradt, Agent
4321 Vilas Road
Cottage Grove, WI 53527
Class "B" Liquor \$ 500.00
Class "B" Beer \$ 100.00
Cigarette \$ 5.00
Operator's License (11@\$25) \$ 275.00
Manager's License (2@\$25) \$ 50.00

TOTAL \$ 930.00

E. The Farm at Door Creek
Patty Bradt, Agent
4226 Vilas Road
Cottage Grove, WI 53527
Class "B" Liquor \$ 500.00
Class "B" Beer \$ 100.00
Cigarette \$ 5.00
Operator's License (7@\$25) \$ 175.00
Installment \$1050.00

TOTAL \$1830.00

F. Crossroads
Dawn Guimond, Agent
3562 CTH "AB"
McFarland, WI 53558
Class "B" Liquor \$ 500.00
Class "B" Beer \$ 100.00
Cigarette \$ 5.00
Operator's License (8@\$25) \$ 200.00

TOTAL \$ 805.00

- IV. The Clerk presented the list of Operator's and Manager's License Applications (List attached), and stated that all fees were paid and all background checks were acceptable.
- V. **MOTION** by Anders/Morrow to close the public hearing. **MOTION CARRIED 5-0.**
The public hearing was adjourned at 7:07 P.M.

TOWN OF COTTAGE GROVE
PUBLIC HEARING – 2004-2005 NON-METALLIC MINING PERMITS
JUNE 7, 2004

- I. The Public Hearing was called to order by Chairman Hampton at 7:15 P.M. Members present Steve Anders, Dave Morrow, Virgil Schroeder, Mike Klinger, Kris Hampton.
- II. The Clerk presented the applications:
 - A. Yahara Materials at Hellickson Pit. Tim Geoghegan stated that operation of the pit will continue in the same pattern. The crusher will be coming out and a washing operation will continue. Reclamation, seeding and mulching to follow. The Clerk stated that appropriate proofs of insurance and reclamation bonding are on file at the Town Office.
 - B. Huston Holdings at Gaston Road Quarry. Quarry neighbor Betty Taylor complained about big blasts. The Clerk stated that no blasting permit has been applied for at this time. Quarry representative Dennis Richardson stated that they will probably apply for one more blasting permit later this summer. Mrs. Taylor asked to be notified of the public hearing for any blasting permit. She also asked what the quarry's hours of operation were, stating that there was truck traffic early in the morning and into the evening.

Quarry neighbor Charles Klubertanz also complained of early morning and evening activity in the quarry, and of ATV's in the quarry after hours and on weekends. Mr. Richardson stated that he thinks they are getting in on the south side of the quarry where a fence was left down when the Village did work there.

Chairman Hampton asked Mr. Richardson to provide the following for the next Town Meeting on June 21, 2004.

 1. An Operation plan.
 2. Quarry hours of operation.
 3. A plan to repair the fence.
 - C. Huston Holdings at Nora Road. No discussion.
 - D. Huston Holdings at Hwy 12 & 18 and Hwy "N" (Skaar Pit). No Discussion.
- III. **MOTION** by Schroeder/Klinger to close the public hearing. **MOTION CARRIED 5-0.**
The public hearing was adjourned at 7:25 PM

TOWN OF COTTAGE GROVE
PUBLIC HEARING – PARK EQUIPMENT & SEEDING ORDINANCE - AMENDMENT
JUNE 7, 2004

- I. The Public Hearing was called to order by Chairman Hampton at 7:27 P.M. Members present Steve Anders, Dave Morrow, Virgil Schroeder, Mike Klinger, Kris Hampton.
- II. The Clerk presented the ordinance amendment.
- III. Chairman Hampton asked if there was any discussion. No one spoke.
- IV. **MOTION** by Schroeder/Klinger to close the public hearing. **MOTION CARRIED 5-0.**
The public hearing was adjourned at 7:29 PM

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
JUNE 7, 2004
REVISED

- I. The meeting was called to order by Chairman Hampton at 7:30 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Dave Morrow, Steve Anders, Virgil Schroeder, Mike Klinger. Also present were Highway Superintendent Jeff Smith, Clerk Kim Banigan.
- II. Minutes of Previous Meetings:
 - A. **MOTION** by Morrow/Klinger to approve minutes of Regular Board Meeting May 17, 2004. **MOTION CARRIED 4-0-1.** Schroeder abstained.
 - B. **MOTION** by Klinger/Morrow to approve minutes of Special Board Meeting June 1, 2004. **MOTION CARRIED 5-0.**
 - C. **MOTION** by Anders/Morrow to approve minutes of Uniform Fire Code Public Hearing May 17, 2004. **MOTION CARRIED 4-0-1.** Schroeder abstained.
- III. Finance Report:
 - A. **MOTION** by Schroeder/Klinger to approve payment of bills corresponding to checks #10744 – 10793. **MOTION CARRIED 5-0.** **MOTION** by Anders/Klinger to accept net worth at \$838,998.69. **MOTION CARRIED 5-0.**
 - B. Treasurer Debbie Simonson stated that the Lion's club had requested \$1500.00 for holiday decorations. The budget allows for \$1000.00 as originally requested by the Lion's club, so the Board directed the Treasurer to pay \$1000.00.
 - C. Treasurer Simonson informed the Board that a delinquent Personal Property Taxpayer failed to appear at his Dane County Court date on June 4, 2004. There is now a bench warrant for his arrest, and he will be required to provide the Town with full financial disclosure.
- IV. Public Concerns: Paul Strady of the Wisconsin Rugby Club described his plans to address past concerns of neighbors regarding rugby tournaments at Crossroads Tavern. Plans include port-a-pottys, ropes along Luds Lane to restrict parking, and no dogs allowed. Chairman Hampton asked if there would be someone in charge to enforce, and Mr. Strady stated that someone would be appointed, and that the Rugby Club would be more stern with other clubs using the facility to be sure they also put someone in charge of enforcement at their events.
- V. Right of Way Permits: Alliant Energy: **MOTION** by Anders/Morrow to approve jack and bore suspended on poles and trenching to replace a pole and install underground electric at 3960 Vilas Hope Road **MOTION CARRIED 5-0.**

- VI. Landfill Update: Chairman Hampton reported that the May 26, 2004 test showed .05% methane on gas probe 8 for the second month in a row.
- VII. CSM Petition – 8941 – County Amendment – Michael Niebuhr. **MOTION** by Anders/Morrow to approve revised CSM as amended by Dane County Petition 8941 showing a 20 foot dedication to the County. **MOTION CARRIED 5-0.**
- VIII. CSM Petition – 7962 – Viken/Dorhorst. Surveyor Dave Reisop spoke on behalf of Mike Peterson who now owns the house with a corner over the lot line. **MOTION** by Anders/Morrow to direct Mr. Peterson to file an application with the Plan Commission to rezone the approximately 3000 ft² triangular section from A1-EX to RH-1. **MOTION CARRIED 5-0.**

(Attorney Connie Anderson Arrived)

- IX. CSM Petition – 8891 – Clifford Miller – County Amendment to Zone Change. **MOTION** by Schroeder/Klinger to approve the County amended petition 8891 with the driveway subject to Town Highway Superintendent suggestion for placement, and shall not exceed 1000 feet in length. **MOTION CARRIED 5-0.** **MOTION** by Anders/Morrow to further clarify the motion adopted by the Town Board on February 24, 2004, the TDR Easement/Deed Restriction need not be recorded until such time as the development right is transferred. **MOTION CARRIED 5-0.**
- X. Plan Commission Recommendations:
- A. Joseph C. & Alecia L. Rauch –4552 Vilas Road . **MOTION** by Schroeder/Klinger to approve Plan Commission recommendation to approve zone change from R-1 to R-2 for .420 acres with no restrictions. Intended land use for existing residential home to comply with Dane County Zoning. **MOTION CARRIED 5-0.**
- B. JDJ Inc. (Dawn Guimond, Owner) 3562 County Road AB – Zone Change. **MOTION** by Schroeder/Anders to deny zone change from Recreational to C-2 for 4.13 acres limited to mini warehouses and lighting. **MOTION CARRIED 4-1.**
- C. JDJ Inc. (Dawn Guimond, Owner) 3562 County Road AB – Permit for outside music events. The Board directed Ms. Guimond to submit plans for the event by June 17, 2004 for review before the June 21, 2004 Town Board Meeting. The plans should include Port-a-pottys, off duty police, fencing issues, how noise decibels will be measured, and ambulance access.
- XI. Discuss/Consider/Approve Park Equipment and Seeding Amendment to Town Land Division ordinance. **MOTION** by Anders /Morrow to approve Plan Commission recommendation and amendment of sections 15.2.4.2 through 15.2.4.4 of the Land Division and Planning Ordinance. **MOTION CARRIED 4-1.**

- XII. Discuss/Consider/Approve Liquor Licenses. **MOTION** by Anders/Schroeder to approve the following liquor license applications:

The Farm at Door Creek
Door Creek Golf Course
Nora's Tavern
Country Corners
Crossroads
Havaball Inc. d.b.a. Double Days
MOTION CARRIED 5-0.

- XIII. Discuss/Consider/Approve Non-Metallic Mining permits.

- A. Yahara Materials – Hellickson Pit.

Steve Knaus, landowner of the pit, expressed issues he had with Yahara Material's operation of the pit. **MOTION** by Anders/Morrow to approve the application for Yahara Materials at Hellickson Pit. **MOTION CARRIED 3-2.**

- B. Huston Holdings at Gaston Quarry, Nora Road, Hwy 12 & 18 and Hwy "N".

MOTION by Anders/Klinger to hold all three of Huston Holdings' applications until the June 21, 2004 meeting, pending proof of reclamation bonds, fence repair at the Gaston Road Quarry, and berm and trees at the Hwy 12 & 18 and Hwy "N" (Skaar Pit). **MOTION CARRIED 5-0.**

- XIV. Highway Superintendent Smith reported that there are no speed limit signs on Hope Road between Vilas Road and Hwy 12 & 18, which makes the effective speed limit 55 m.p.h. Chairman Hampton asked Clerk Banigan to send a letter to the resident who questioned the speed limit at the previous meeting, advising that if the residents wish to change the speed limit to 45 m.p.h., they should submit a petition to the Town Board for approval.

- XV. There was a discussion of Sandpiper Trail being used as a shortcut for trucks traveling from new construction in the Coyle plat to the Gaston Road Quarry. The next agenda should include a possible permanent weight limit sign on Sandpiper, Raven Way, Meadowlark, and Bluebird.

- XVI. ETZ. Chairman Hampton presented a document overview of Extra-Territorial Zoning Authority from Village Attorney Boushea. No action taken.

Supervisor Morrow left at 10:15 P.M.

- XVII. **MOTION** by Klinger/Anders to move to closed session as permitted by Wis Stats. {19.85}(1)(g) for the purpose of conferring with legal counsel who is rendering oral advice concerning the Landfill, Hydrite and Walter Olson. Roll call vote: Klinger – aye; Schroeder – aye; Anders – aye; Hampton – aye. **MOTION CARRIED 4-0.**

- XVIII. **MOTION** by Anders/Schroeder to reconvene to open session. Roll call vote: Klinger – aye; Schroeder – aye; Anders – aye; Hampton – aye. **MOTION CARRIED 4-0.** No action as a result of closed session.

XIX. Clerks report – Dane County Ordinances. None.

XX. Board Reports

A. Cable. None.

XXI. Committee Reports. None.

XXII. **MOTION** by Anders/Klinger to Adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 10:52 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
BOARD OF REVIEW
JUNE 21, 2004

- I. Chairman Hampton called the Board of Review to order at 7:00 P.M. Board of Review members present: Dave Morrow, Virgil Schroeder, Steve Anders, Mike Klinger, Kris Hampton, Kim Banigan.
- II. **MOTION** by Morrow/Anders to approve the minutes of the Board of Review on October 27, 2003. **MOTION CARRIED 5-0-1.** Banigan abstained.
- III. **MOTION** by Morrow/Klinger to approve the minutes of the Board of Review on May 17, 2004. **MOTION CARRIED 6-0.**
- IV. **MOTION** by Morrow/Klinger to adjourn to 7:30 P.M. on July 27, 2004, as the assessment roll is not ready at this time. **MOTION CARRIED 6-0.** The Board of Review adjourned at 7:04 P.M.

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
JUNE 21, 2004

- I. The meeting was called to order by Chairman Hampton at 7:05 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Dave Morrow, Virgil Schroeder, Steve Anders, Mike Klinger. Also present were Highway Superintendent Jeff Smith, Clerk Kim Banigan.
- II. Minutes of Previous Meetings:
 - A. **MOTION** by Schroeder/Klinger to approve minutes of Regular Board Meeting June 7, 2004, with the following corrections: Virgil Schroeder listed as present in I., Motion in II., A. was by Morrow, not Schroeder, and Motion in II. C. was to approve minutes from the Uniform Fire Code Public Hearing on May 17, 2004, not Board of Review minutes. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Schroeder/Klinger to approve minutes of the Non-Metallic Mining Public Hearing, the Park Equipment & Seeding Ordinance Public Hearing, and the Liquor License Public Hearing, all held on June 7, 2004. **MOTION CARRIED 5-0.**
- III. Finance Report:
 - A. **MOTION** by Schroeder/Morrow to approve payment of bills corresponding to checks #10794 – 10823. **MOTION CARRIED 5-0.** **MOTION** by Anders/Klinger to accept net worth at \$787,957.77. **MOTION CARRIED 5-0.**
 - B. Treasurer Debbie Simonson stated that the first of three payments of \$1200.00 each has been received from the developer on West Ridge for seal coating done before the annexation.
- IV. Public Concerns: Colleen Ward introduced herself as a 17 ½ year resident of the stretch of Vilas Road between Hope Road and Hwy. 12 & 18. She presented a map showing speed limit signs all along Vilas Road from MN to Gaston Road, and stated her dismay that the stretch she lived on was one of the few without a speed limit sign. She went on to describe several recent incidents and accidents on the stretch, and how they made her fear for her family's safety. She read from the Wisconsin Motorists Handbook about speed limits on unposted roads, and about suggested strategies for drivers to safely navigate around pedestrians, which she stated drivers on Vilas Road are not using. She also stated that a grove of Box Elder trees on the curve block the view of approaching motorists. She asked the Board to: see to the removal of the trees, sign the curve at 30 m.p.h., and place 45 m.p.h. signs at on Vilas Road at Hwy. 12 & 18 and at Hope Road. Supervisor Anders advised Mrs. Ward that while the Board was sympathetic, the lowest speed limit the Town Board can set is 45 m.p.h., and that unposted areas are assumed to be 55 m.p.h. He also stated that the 45 m.p.h. speed limit signs Mrs. Ward observed on

other segments of Vilas Road are a result of citizen requests. Chairman Hampton directed Highway Superintendent Smith to send a letter to the owner of the Box Elder Trees asking permission to trim the trees. He instructed Mrs. Ward to submit a petition, signed by other residents of Vilas Road asking the Board to reduce the speed limit to 45 m.p.h., by July 1, 2004 for consideration at the July 5, 2004 Town Meeting.

- V. Right of Way Permits: **MOTION** by Anders/Klinger to approve the following:

Verizon: Plow for buried telephone line for new home at 3960 Vilas Hope Road.

Verizon: Jack & Bore and Plow for fiber optic telephone line on Vilas Road, Hope Road, South Hope Road, Femrite Road and Siggelkow Road.

MOTION CARRIED 5-0.

- VI. JDJ INC. (Dawn Guimond, Owner) – 3562 County Road AB. Shane Guimond presented a map and described plans for an outdoor sports and music event to be held on August 21, 2004. **MOTION** by Klinger/Morrow to approve the outdoor event with the following stipulations:

- A. Music will be only between the hours of 6 P.M. and 12 A.M. Noise level must stay below the Permissible Noise Exposures in TCG Appendix 11-C, Table G-16.
- B. There must be a double around the beer garden area, with 8 feet between the two fences.
- C. Three off-duty officers, two stationed at the entrance of the beer garden and one walking the grounds, must be present for the entire event. Arm bands will be used to identify 21 and older.
- D. There must be a two-way, 24 foot fire lane with two entrances off of Luds Lane.
- E. Two parking attendants must be present for the entire event, charged with keeping the emergency lanes open.
- F. There must be at least ten port-a-potties.
- G. The agreed upon map is attached for reference.

MOTION CARRIED 5-0. The Town will draft a letter of agreement to be signed by both parties before the event.

- VII. Discuss/Consider/Approve Non-Metallic Mining Permits – Huston Holdings.

- A. The Clerk stated that Reclamation Bonds are on file for all three of the Huston pits.
- B. Jim Harvey thanked the Hustons and Dennis Richardson for doing a beautiful job of landscaping the burm at the south end of the Harvey's property.

- C. Dennis Richardson stated that the fence at the Gaston Pit has been repaired to keep out ATV's. In response to a question from Chairman Hampton, Mr. Richardson the following CUP expiration dates:
1. Skaar Pit: April 20, 2006. Mining and reclamation complete.
 2. Nora Pit: March 4, 2005. End Mining, with another year to complete reclamation.
 3. Gaston Pit: Has no CUP, but was "grandfathered".
- D. **MOTION** by Schroeder/Anders to approve Non-Metallic Mining Permits for Huston Holdings at the Skaar Pit and the Nora Road sand pit. **MOTION CARRIED 5-0.**
- E. Supervisor Schroeder related stories he had heard of trucks blocking traffic on Gaston Road in the morning, possibly waiting for the pit to open up. Mr. Richardson promised to make the trucking firms aware of the problem.
- F. **MOTION** by Schroeder/Morrow to approve the Non-Metallic Mining Permit for Huston Holdings at Gaston Pit.
- VIII. Speed Limit 45 – Nora Road (Rustic Road). **MOTION** by Schroeder to leave the speed limit on Nora Road at 55 m.p.h. **MOTION DIED** as it was not seconded. **MOTION** by Anders/Klinger to reduce the speed limit of Nora Road from Hwy N. to the intersection with Jargo and South Jargo Roads to 45 m.p.h. to comply with Wis. Stats. {346.57}(4)(k). **MOTION CARRIED 4-1.** Schroeder opposed.
- IX. Discuss Road Ditch Cleaning – Policy/Ordinance. Highway Superintendent Smith asked for Board action to set a policy for dealing with landowners who demand the return of dirt removed from the ditch when their erodible land adjacent to Town roads repeatedly fills up the ditch.
- (8:15 P.M. - Supervisor Klinger left for a fire call)
- MOTION** by Anders/Schroeder to set a policy that anything in the road right of way or ditches belongs to the Town. **MOTION CARRIED 4-0.**
- X. Consider 4th of July Holiday Pay. Chairman Hampton stated that as July 5th is the legal holiday, the Town Office and Highway Department will be closed for the day. The Town Board will hold a regular meeting as scheduled at 7:00 P.M. on July 5, 2004.
- XI. Consider action on Ad Hoc Well Testing Group Recommendations. Chairman Hampton stated that the group has specified five wells to test initially, and indicated they may want us to consider alternate testing firms. **MOTION** by Morrow/Anders to send release forms to the five well owners. **MOTION CARRIED 4-0.** Chairman Hampton will report back on cost at the July 5, 2004 meeting.

XII. Open Book is scheduled for July 6, 2004, 11:00 A.M. to 2:00 P.M. Board of Review will be July 27, 2004, 7:30 – 9:30 P.M.

XIII. **MOTION** by Schroeder/Morrow to move to closed session as permitted by Wis. Stats. {19.85} (1)(e) deliberating or negotiation the purchasing of public properties, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Roll call vote: Morrow – aye, Schroeder – aye, Anders – aye, Hampton – aye. **MOTION CARRIED 4-0.**

(8:40 Supervisor Klinger Returned)

XIV. **MOTION** by Morrow/Schroeder to reconvene to open session. Roll call vote: Klinger – aye, Morrow – aye, Schroeder – aye, Anders – aye, Hampton – aye. **MOTION CARRIED 5-0.** **MOTION** by Klinger/Morrow to direct the Chairman to respond to the Village LEC agreement. **MOTION CARRIED 5-0.**

XV. Clerks report – Dane County Ordinances. None.

XVI. Board Reports

A. Cable. Supervisor Anders reported that he had spoken with Tim Vowel from Charter Communications, and the Town Office should expect a call by Thursday of this week regarding Cable internet service.

XVII. Committee Reports.

A. Chairman Hampton reported that the Emergency Government Committee had a speaker from Dane County at the last meeting, and planned to tour the new fertilizer plant at the next meeting.

XVIII. **MOTION** by Klinger/Morrow to Adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:00 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD CLOSED SESSION
JUNE 21, 2004

NOT A PUBLIC RECORD – (Approved and Released 2/21/2005)

- I. **MOTION** by Schroeder/Morrow to move to closed session as permitted by WIS. STATS. {19.85}(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. **Roll call vote: Morrow – aye, Schroeder – aye, Anders – aye, Hampton – aye. MOTION CARRIED 4-0.** Klinger returned from a fire call during the closed session.
- II. A discussion regarding a response to the Village of Cottage Grove's most recent Proposal for Joint Law Enforcement Agreement resulted in the following to address each of the 6 points:
 - A. That the current funding mechanism based on Total Combined Equalized Value and Population of the municipalities continue, with the Town's portion capped at 45%, not to exceed \$400,000 in 2005. In 2006 and 2007, the \$400,000 would be able to increase at the yearly rate of inflation, not to exceed 3% increase in any one year. The three-year term is to correspond with the customary term of the labor contract. Services currently provided to the Town by the Police Department will remain at current levels.
 - B. Resolution No. 2001-01 of the Cottage Grove Joint Law Enforcement Committee would be replaced with a new resolution stating only what the minimum staffing levels would be.
 - C. We agree that a Police Commission will need to be formed, but we will not start work on the creation of the commission until the DOA estimated population comes in that the Village is at 5000, at which time work on creating the commission would commence.
 - D. The three-year term is to correspond with the customary term of the labor contract.
 - E. Addressed in 3. above.
 - F. We would agree that the other terms contained in the existing agreement should be reviewed by the LEC for any updates, amendments or additions prior to the new agreement being finalized.
 - G. No, simple majority would still rule.
- III. **MOTION** by Morrow/Schroeder to reconvene to open session. **Roll call vote: Klinger – aye, Morrow – aye, Schroeder – aye, Anders – aye, Hampton – aye. MOTION CARRIED 5-0.**

Kim Banigan
Clerk

JOINT MEETING
TOWN OF COTTAGE GROVE BOARD OF SUPERVISORS
VILLAGE OF COTTAGE GROVE BOARD OF TRUSTEES
JULY 1, 2004
REVISED

- I. The meeting was called to order by Town Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted in both Municipalities. Members present: Town: Virgil Schroeder, Mike Klinger, Steve Anders, Kris Hampton. Village: Ken Dahl, Patty Krall, Katie Giese, Fred Schulze, Diane Wiedenbeck. Also present: Town Clerk Kim Banigan, Fire Chief Bruce Boxrucker.
- II. Minutes of Previous Meetings: **MOTION** by Giese/Klinger to approve minutes of Joint Meeting of June 3, 2004 with corrections as follows: In item number 5, all mentions of John VanDeiter should be corrected to John Van Dinter. **MOTION CARRIED 8-0-1.** Krall abstained.
- III. Approve sale of Engine #1. Fire Chief Bruce Boxrucker described the proposed sale of Fire Engine #1 to Towns County Fire & Rescue of Hiawassee, Georgia for \$25,000, with the buyer paying all shipping costs. They have been instructed to pay by certified check made out to the Town. Firetec, the company with which the engine was advertised, charges a 10% commission fee. The truck will be available after July 15, when the new ladder truck is put into service.

Randy Margenau arrived at 7:08.

- MOTION** by Giese/Anders to accept the \$25,000.00 bid from Towns County Fire & Rescue of Hiawassee, Georgia, to pay Firetec their fee of \$2,500.00, and to disburse the remaining payment between the Town and Village in accordance with the agreement in place in 1984 when the truck was purchased. **MOTION CARRIED 10-0.** After a brief discussion it was decided not to remove the Cottage Grove lettering from the truck.
- IV. Discussion on ETZ. Members of both boards spoke in favor of proceeding with the ETZ. Hampton stated that he expects a motion to come out of the Town Board's discussion on the ETZ with the Town's attorney at the July 5th meeting. Wiedenbeck questioned how the ETZ affects the boundary agreement currently in progress by the Joint Planning Committee with the City of Madison, and the boards instructed her to proceed as currently planned.
 - V. Discuss/Consider Proposed Entrance Signs. No representative of the Chamber of Commerce or Lions Club was present at the meeting. The item will be out on the next agenda.
 - VI. Discuss possible Landfill Agreement. Dahl stated that the Village Attorney is in the process of scheduling a meeting with Dahl, Hampton and attorneys from the two municipalities. Klinger asked why not save attorney fees and settle without the lawyers,

but Dahl stated he preferred to proceed with the meeting. Hampton reported that the most recent test had probe 8 at .05% methane, probe 9 at 0%.

- VII. Discuss Bidding of Garbage Pick-up for Town & Village. Dahl stated that the city of Monona will have a Request for Proposal ready in time for bids to be received by mid October.
- VIII. Items for next agenda and meeting date. The next Joint Meeting is set for Thursday August 5, 2004 at 7:00 P.M. at the Village Hall. Agenda items include ETZ, Entrance Signs, Landfill Agreement, Garbage Pickup, Law Enforcement Agreement.
- IX. Adjournment: **MOTION** by Schulze/Krall to adjourn. **MOTION CARRIED 10-0.** The meeting was adjourned at 7:33 P.M.

Kim Banigan
Town Clerk

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
JULY 5, 2004

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Dave Morrow, Virgil Schroeder, Steve Anders, Mike Klinger. Also present were Highway Superintendent Jeff Smith, Treasurer Debbie Simonson, Clerk Kim Banigan.
- II. Minutes of Previous Meeting: **MOTION** by Schroeder/Morrow to approve minutes of Regular Board Meeting June 21, 2004, with the following corrections: In paragraph VI., Shane from Crossroads last name changed to Bronson. **MOTION CARRIED 5-0.**
- III. Finance Report:
 - A. **MOTION** by Morrow/Klinger to approve payment of bills corresponding to checks #10824 – 10865. **MOTION CARRIED 5-0.** **MOTION** by Anders/Klinger to accept net worth at \$793,287.30. **MOTION CARRIED 5-0.** **MOTION** by Morrow/Schroeder to accept second quarter per diems as presented. **MOTION CARRIED 5-0.**
- IV. Public Concerns: Clerk Banigan relayed a citizen concern regarding bugs killing trees in Meadow Grove. Highway superintendent Smith reported that it was the older trees in the fence line, not the new ones planted by the town. Any necessary removal of the trees would take place in the fall when the ground is frozen.
- V. Right of Way Permits: None.
- VI. Landfill Update. Chairman Hampton reported that the most recent test showed gas probe 8 at .04% and probe 9 at 0% methane.
- VII. Plan Commission Recommendations: William Viken (Darrel Lange, Owner) – Ridge Road. Discussion revealed that a density study was never done. **MOTION** by Anders/Morrow to approve Plan Commission recommendations for a zone change from A-1EX to A-2(1) for 1.5 acres to permitted use of single family home and agriculture accessory building for repair of family farm equipment, with the added stipulation that the applicant obtain a Density Study from Dane County, and forward the results to the Town prior to any building activity. **MOTION CARRIED 5-0.**
- VIII. Consider Ad Hoc Well Testing Group Recommendations. Chairman Hampton reported prices for testing VOC's at the following labs:

State Hygeine Lab:	\$171.00
Test America:	\$ 90.00

MOTION by Morrow/Klinger to use Test America provided that they supply proof of satisfactory quality assurance/quality control policy and accreditation. **MOTION CARRIED 5-0.**

(Town Attorney Connie Anderson Arrived.)

- IX. Records Management System – Police Department/County Agreement. Town Attorney Connie Anderson summarized the proposed Intergovernmental Agreement for Consolidated Police Record Management System as drafted by the City of Madison, and stated that it was legally acceptable. Questions she suggested for the Police Chief were:

1. How much will fiber optic connections cost?
2. What additional maintenance costs will there be beyond those expressed in the agreement?
3. Will additional personnel be required for data input?

MOTION by Anders/Morrow to direct the Town Chair to sign the Intergovernmental Agreement for Consolidated Police Records Management System. **MOTION CARRIED 5-0.**

- X. Speed Limit 45 – Vilas Road. **MOTION** by Anders/Schroeder to accept the petition by 22 Vilas Road Residents (attached as Appendix A) to reduce the speed limit on Vilas Road between Hope Road and Hwy 12 & 18 to 45 m.p.h. **MOTION CARRIED 5-0.**

- XI. **MOTION** by Anders/Schroeder to move to closed session as permitted by Wis. Stats. {19.85} (1)(e) deliberating or negotiating the purchasing of public properties, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and for the purpose of conferring with legal counsel who is rendering oral advice concerning the Landfill. Roll call vote: Klinger – aye, Morrow – aye, Schroeder – aye, Anders – aye, Hampton – aye. **MOTION CARRIED 5-0.**

- XII. **MOTION** by Klinger/Morrow to reconvene to open session. Roll call vote: Klinger – aye, Morrow – aye, Schroeder – aye, Anders – aye, Hampton – aye. **MOTION CARRIED 5-0.**

- XIII. Action as a result of closed session. **MOTION** by Klinger/Morrow to invite the Village to a work meeting for the purpose of settlement of Town/Village issues. **MOTION CARRIED 5-0.**

- XIV. Discussion on Police and Fire Commission creation. Attorney Anderson presented a summary of the formation of a police commission attached as Appendix B.

- XV. Discussion on ETZ with Village. Attorney Anderson presented a memo regarding ETZ Pros and Cons, attached as Appendix C.

XVI. Clerks report.

A. Chairman Hampton presented 4 resolutions from the Dane County Towns Association, attached as appendix D.

1. **MOTION** by Anders/Hampton to support Dane County Towns Association RESOLUTION: URGING THE WISCONSIN LEGISLATURE TO ENACT LEGISLATION TO REQUIRE REASONABLE ANNEXATION PROCEDURES. **MOTION CARRIED 5-0.**
2. **MOTION** by Hampton/Morrow to support Dane County Towns Association RESOLUTION: URGING THE WISCONSIN LEGISLATURE TO ASSURE THAT COUNTY COMPREHENSIVE PLANS ARE NOT EFFECTIVE UNLESS ADOPTED BY THE TOWN AFFECTED BY THE PLAN. **MOTION CARRIED 5-0.**
3. **MOTION** by Klinger/Anders to support Dane County Towns Association RESOLUTION: URGING THE WISCONSIN LEGISLATURE TO ENACT LEGISLATION TO OVERRULE THE WOOD DECISION. **MOTION CARRIED 5-0.**
4. **MOTION** by Anders/Klinger to support Dane County Towns Association RESOLUTION: URGING THE WISCONSIN LEGISLATURE AND GOVERNOR TO AMEND THE COMPREHENSIVE PLANNING LAW TO MAKE IT OPTIONAL. **MOTION CARRIED 5-0.**

B. Dane County Ordinances. The Clerk presented a map showing a proposed amendment to the Cottage Grove Urban Service Area for the Village of Cottage Grove. **MOTION** by Schroeder/Morrow to send a letter to the Rural Planning Commission opposing the amendment to Urban Service Area. **MOTION CARRIED 5-0.**

XVII. **MOTION** by Klinger/Morrow to Adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:57 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
JULY 19, 2004

- I. The meeting was called to order by Chairman Hampton at 7:02 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Dave Morrow, Steve Anders, and Mike Klinger. Also present were Highway Superintendent Jeff Smith, Treasurer Debbie Simonson, Deputy Clerk Ruth Gjermo.
 - II. Minutes of Previous Meeting: **MOTION** by Anders/Morrow to approve minutes of Regular Board Meeting July 5, 2004. **MOTION CARRIED 4-0.**
 - III. Finance Report:
 - A. **MOTION** by Morrow/Klinger to approve payment of bills corresponding to checks #10886 to #10910. **MOTION CARRIED 4-0.** **MOTION** by Anders/Klinger to accept net worth at \$609,380.52. **MOTION CARRIED 4-0.**
 - IV. Public Concerns: Gregg Scalissi of 3637 Natvig Road needs a variance to build a detached garage on his property. The board referred him to the Plan Commission meeting for July 28, 2004.
- Atty. Gregory Murray arrived at 7:15 P.M.
- V. Right of Way Permits: **MOTION** by Anders/Morrow to approve the following:

Verizon: Jack & Bore and Plow for buried telephone line from 3194 Vilas Road to Town of Cottage Grove borderline with Town of Pleasant Springs.

MOTION CARRIED 4-0.
 - VI. Landfill Update: Legal Fee from February 1998 to July 2004 is \$23,177.93.
 - VII. Meadow Grove Park – Planting of Trees for Memorial: No Show
 - VIII. Discussion of New Liquor License Fee – Mary Barber & Jody Wyrold:

They are interested in putting in a Gifts & Fine Arts with serving of wine and coffee in the Blair Dentist Office at 2848 County Road BB. Fees for a new liquor license are \$10,000 and they were wondering if the Town has an Economic Development Grant Program, which the town doesn't.

Attorney Gregory Murray present the town board with a draft for the Economic Development Grant Program Ordinance which will be put on the agenda for board meeting on August 2, 2004.

IX. Distribution of Board Minutes: In the discussion it was decided that all town board minutes be email and copies put in the board mailboxes. Joint and Committee minutes be attached to the agenda and mailed.

X. Wisconsin Towns Association Resolution:

MOTION by Anders/Morrow to support the Amendment to the Wisconsin Towns Association By-Laws related to modifying the process for electing WTA Directors.
MOTION CARRIED 4-0.

XI. **MOTION** by Klinger/Morrow to Adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:01 P.M.

Ruth Gjermo
Deputy Clerk

TOWN OF COTTAGE GROVE
BOARD OF REVIEW
JULY 27, 2004

- I. Assessor John Holtan, Associated Appraisal Consultants, Inc., presented the Affidavit of Assessment to the Clerk and she signed it. Chairman Hampton called the Board of Review to order at 7:30 P.M. Board of Review Members present by roll call: Virgil Schroeder – aye, Kris Hampton – aye, Kim Banigan – aye, Mike Klinger – aye. It was determined that a quorum was present, and the meeting had been properly posted on the door of the Town Hall, the Corn Palace, American Way, and Brown Thrush.
- II. **MOTION** by Schroeder/Klinger to appoint Kris Hampton as Chair for the Board of Review. Roll call vote – all ayes. **MOTION CARRIED 3-0-1.** Hampton abstained. **MOTION** by Banigan/Schroeder to appoint Mike Klinger as Vice Chair for the Board of Review. Roll call vote – all ayes. **MOTION CARRIED 3-0-1.** Klinger abstained.
- III. The Clerk presented a Board of Review Member Training Affidavit showing Kris Hampton has met mandatory training requirements specified in sec 70.46 (4), Wisconsin Statutes.
- IV. The Clerk swore in Mr. Holtan, who presented his credentials as a Certified Assessor.

Steve Anders arrived 7:37 P.M.

- V. Petitioners:
 - A. The clerk swore in Wayne Wollin – Parcel # 0711-024-9000-7: 40.4 acres, assessed value \$40,400. At question is value of 20 acres of woods on the parcel that is classified as Productive Forest Land. Remainder of parcel is classified as 3.4 agricultural (work ground), 17 acres undeveloped (pasture and swamp and waste). Wollin stated that he crops all but the woods area, as well as the entire adjacent 37.89 acre parcel #0711-013-9000-0, which is classified as 10 acres agricultural, 25.89 acres undeveloped (swamp and waste, road right of way) and 2 acres productive forest land. He showed on the aerial photo that there are no woods on the adjacent parcel. He asked that the woods in question be re-classified as 5m Agricultural Forest. In order for 5m to apply, however. The balance of the parcel in question, as well as the entire adjacent parcel, would need to be re-classified as 100% Agricultural. Chairman Hampton pointed out that the fair market value in item 5 on the objection form had not been filled in. Wollin stated the fair market value at \$48,000. **MOTION** by Hampton/Anders to leave the assessed value at \$40,400 based on the stated fair market value, but to direct the assessor to evaluate all four of Wollin's 40-acre parcels for next year, to ensure correct classification in all parcels. Roll call vote – all ayes. **MOTION CARRIED**

5-0. The petitioner was further directed to plan on attending the open book session next year, and come prepared with maps showing his use of the land. The Clerk was directed to send him current aerial photos of his parcels.

B. No other petitioners appeared.

VI. **MOTION** by Schroeder/Klinger to adjourn the 2004 Board of Review. Roll call vote – all ayes. **MOTION CARRIED 5-0.** The 2004 Board of Review was adjourned at 9:30 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
AUGUST 2, 2004

- I. The meeting was called to order by Chairman Hampton at 7:03 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Virgil Schroeder, Dave Morrow, Steve Anders, and Mike Klinger. Also present were Highway Superintendent Jeff Smith, Treasurer Debbie Simonson, Clerk Kim Banigan.
- II. Minutes of Previous Meeting: **MOTION** by Anders/Morrow to approve minutes of Regular Board Meeting July 19, 2004 as printed. **MOTION CARRIED 4-0-1.** Schroeder abstained.
- III. Finance Report:
 - A. **MOTION** by Schroeder/Klinger to approve payment of bills corresponding to checks #10911 to #10945. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to accept net worth at \$613,647.63. **MOTION CARRIED 5-0.**
- IV. Public Concerns: none.
- V. Right of Way Permits: **MOTION** by Anders/Morrow to approve the following:
 - A. Verizon: Plow for buried telephone line for 2022 Uphoff Road.
 - B. Alliant: Jack & Bore and Trench for underground electric for 2022 Uphoff Road, Trench for underground electric for 3511 Earlowyn road.

MOTION CARRIED 5-0
- VI. Landfill Update: Nothing to report
- VII. Plan Commission Recommendations:
 - A. Jill Billhorn (Loel Nelson, Owner) – 1737 S. Jargo Road – Zone Change - A-1EX to RH-1 for 3.6+/- acres. Total acres of farm is 100.5 acres. Intended land use is to separate the buildings from the rest of the land. **MOTION** by Schroeder/Morrow to accept the Plan Commission recommendation to approve zone change from A-1EX to RH-1 not to exceed 4 acres, and because of continuous ownership since 1981, a density study is not deemed necessary per first paragraph on page J-10 of the Town land Use Plan. **MOTION CARRIED 5-0.**
 - B. Gregg Scalissi – 3637 Natvig Road – Variance for building a detached garage on his property. Mr. Scalissi stated that less than 35% of the lot will have buildings.

MOTION by Morrow/Anders to accept the Plan Commission recommendation to approve the variance with provision that no parking be permitted on the Maxwell Street driveway of the proposed structure. **MOTION CARRIED 5-0.**

C. Larson's Zoning – Uphoff Road – Dane County Amendment Petition #8981. Previous Town approval was for a zone change from A-1-EX to A2(1) for 1.15 acres, with intended land use to sell their home to daughter and build a new smaller home for their retirement. County amendment was to create a new 1.453 acre R-1A zoned parcel, which includes the Larson's home, to be sold to the daughter, and to create a new 28.629 acre parcel zoned A-2, including the agricultural buildings, where the Larson's will build their retirement home. **MOTION** by Anders/Morrow to accept the County's amendment. **MOTION CARRIED 5-0.**

D. Witte's Zoning – Wittewood Lane – Dane County Amendment Petition #8969. Previous Town approval was for a zone change from A-1EX to 3 R-1 lots + 1 A-2(8) lot, with deed restricted no housing on the A-2(8) lot and further no building permits will be issued until County, DNR and Lakes and Watershed approvals are received. County amendment was to create 4 new parcels: 3 R-1A lots and a 10.67 acre A-2(8) parcel, deed restricted prohibiting residential development and prohibiting the issuance of zoning permits. **MOTION** by Schroeder/Klinger to accept the County's amendment. **MOTION CARRIED 5-0.**

VIII. Nora Road Hill – Reconstruction of Curve. Warren Meyers of Town & Country Engineering, Inc. presented drawings and a plan to reconstruct the curve/hill on Nora Road between Earlwyn Road and the intersection with West and South Jargo Roads. A special meeting was scheduled for August 6, 2004, at 12:00 noon at the site on Nora Road to consider and possibly take action on a plan to reconstruct the curve.

IX. Meadow Grove Park – Planting of Trees for Memorial: Jeannie Manthe and Mary Salvi requested permission to plant two trees in the Meadow Grove park – one as a memorial and one to replace a tree lost in a storm last year. **MOTION** by Morrow/Klinger to allow planting of the two trees, with their exact location at the discretion of Highway Superintendent Smith. **MOTION CARRIED 5-0.**

X. Review/Consider/Adopt Proposed Language for an Ordinance for Economic Development Grant Programs for New Liquor License Fees. **MOTION** by Schroeder/Anders to stay with the current ordinance requiring a \$10,000 fee for a new liquor license, and not create a new ordinance for Economic Development Grant Programs at this time. **MOTION CARRIED 5-0.**

XI. CONSIDER MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85 (1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and WIS. STATS. 19.85 (1)(g) conferring with legal counsel who is rendering oral advice concerning the LEC Agreement.

MOTION by Anders/Schroeder to move to closed session. **Roll call vote – all ayes.**
Moved to closed session at 8:29 P.M.

- XII. Date of first meeting for September. **MOTION** by Schroeder/Anders to change the date of the first meeting in September to Tuesday September 7th. **MOTION CARRIED 5-0.**
- XIII. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION. **MOTION** by Morrow/Klinger to reconvene to open session. **Roll call vote – all ayes.** Reconvene to open session at 9:10 P.M. No action was taken as a result of the closed session.
- XIV. Clerk's Report
 - A. Dane County Ordinances – None.
- XV. Board Reports
 - A. Cable – None.
- XVI. Committee Reports. None.
- XVII. Upcoming Meetings: The Clerk reported that the Village called to say there will not be a Jt. Town/Village Boards meeting on August 5, 2004.
- XVIII. **MOTION** by Schroeder/Morrow to Adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:18 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD CLOSED SESSION
AUGUST 2, 2004

NOT A PUBLIC RECORD – (Approved and Released 2/21/2005)

- I. **MOTION** by Anders/Schroeder to move to closed session as permitted by Wis Stats 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and Wis Stats 19.85(1)(g) conferring with legal counsel who is rendering oral advice concerning the LEC Agreement. **Roll call vote: Klinger-aye, Morrow-aye, Schroeder-aye, Anders-aye, Hampton-aye. MOTION CARRIED 5-0.** Moved to closed session at 8:29 P.M.
- II. Based upon their response to our offer to meet the two boards to discuss both the Landfill and LEC, it is apparent that the Village does not wish to link the two. Our offer to meet was not perceived as a response to their last proposal.
- III. After discussion, consensus of Board is to stay with current formula based on equalized value and population, with 1.2 officers per 1000 for another 3 years.
- IV. **MOTION** by Morrow/Klinger to reconvene to open session. **Roll call vote: Klinger-aye, Morrow-aye, Schroeder-aye, Anders-aye, Hampton-aye. MOTION CARRIED 5-0.** Reconvened to open session at 9:10 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
SPECIAL BOARD MEETING
AUGUST 6, 2004

- I. The meeting was called to order by Chairman Hampton at 12:00 P.M. A quorum was not present. Virgil Schroeder was in also present.
- II. The Nora Road reconstruction project will be put on the August 16, 2004 Regular Board Meeting Agenda.
- III. The meeting was adjourned at 12:01 P.M.

Kris Hampton
Chairman

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
AUGUST 16, 2004

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Virgil Schroeder, and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Police Chief John Gould.
- II. Minutes of Previous Meeting: **MOTION** by Schroeder/Klinger to approve minutes of Regular Board Meeting August 2, 2004 as presented. **MOTION CARRIED 3-0.**

Dave Morrow arrived at 7:02 P.M.

- III. Finance Report:
 - A. **MOTION** by Schroeder/Klinger to approve payment of bills corresponding to checks #10946 to #10984. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Schroeder/Klinger to accept net worth at \$582,387.43. **MOTION CARRIED 4-0.**
 - C. Treasurer Simonson noted that the August settlement of \$304,173.22 from Dane County will be received by direct deposit on Friday August 20.

Steve Anders arrived at 7:08 P.M.

- IV. Public Concerns: Police Chief Gould stated that the Dane County Sheriff has prohibited its officers from working as off-duty officers at the outdoor music event planned for August 21, 2004 at Crossroads Inn. The letter of agreement between Crossroads Inn and the Town specifies that 3 off-duty officers must be present at all times. Police Chief Gould also asked how the Town planned to confirm compliance with all of the conditions set forth by the letter of agreement. Chairman Hampton said he will follow up on the matter.
- V. Right of Way Permits: **MOTION** by Anders/Schroeder to allow Alliant to jack, bore and trench for new underground electric service at 2018 Uphoff Road. **MOTION CARRIED 5-0.**
- VI. Landfill Update:
 - A. Latest tests show gas probes 8 and 9 both at zero.
 - B. Chairman Hampton presented the notice of new homes and water wells being constructed within 1200 feet of the Cottage Grove landfill, as prepared by Strand Associates, Inc. **MOTION** by Anders/Schroeder to send the notice to the DNR. **MOTION CARRIED 5-0.**

- VII. Legion – Storage Space. Duane Rathert represented the American Legion in requesting storage space in the Town Hall for nine rifles used for funerals. **MOTION** by Schroeder/Morrow to allow the Legion to store the rifles in the former evidence room in the basement of the Town Hall, which is keyed separately from other locks in the building. **MOTION CARRIED 5-0.**
- VIII. Approve letter to Brad Murphy, City of Madison from Jt. Planning Committee. **MOTION** by Anders/Morrow to send the letter from the Jt. Planning Committee requesting a meeting regarding a possible boundary agreement with the City of Madison. **MOTION CARRIED 5-0.**

Attorney Connie Anderson arrived at 7:35 P.M.

- IX. Comments/Approval of Great Midwest Relay Race in June of 2005. Police Chief Gould described what he had learned from attending other meetings about the race, and indicated that Race Director Joe Pulizzano had agreed to cooperate with whatever recommendations the Town or Police might make regarding traffic flow on Town roads. Of particular concern is traffic and parking around a relay transition to take place at Dvorak Road. Attorney Anderson suggested the Town consider adopting an ordinance for special events, allowing for an application and cash deposit to be used to cover any expenses associated with an event, such as extra EMS calls, trash pickup, or damage to property. **MOTION** by Schroeder/Klinger to send the Board's comments to the Great Midwest Relay organizers, and to allow the Police Chief to act as a liaison for the event. **MOTION CARRIED 5-0.**
- X. Comments/Approval of Atkins Citizen Racing Club Trial Road Race – August 28, 2004. **MOTION** by Anders/Klinger to request a certificate of insurance showing the Town of Cottage Grove as an additional insured party, and to instruct the race organizers to contact and cooperate with Police Chief Gould regarding the race route. **MOTION CARRIED 5-0.**
- XI. Review Policy for Flynn/Town Hall Rental. After a brief discussion it was decided to leave the policy as is, no action taken.
- XII. Review/Consider Cost of Reconstruction of Roadway on the Hill on Nora Road. Chairman Hampton presented Highway Superintendent Jeff Smith's estimate of \$12,000 to flatten the curve and widen the road to allow for snow storage, with most of the work being done by the Highway Department. Discussion revealed that while this did not address all of the concerns of the hill, it did address the most serious ones at this time, and would not need to be re-done should further reconstruction be required at a later time. **MOTION** by Schroeder/Klinger to allow the Highway Department to spend up to \$12,000 to reconstruct the hill as discussed, and to pay for the work now, rather than borrowing the funds. **MOTION CARRIED 5-0.**

- XIII. CONSIDER MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85 (1)(g) to confer with legal counsel who is rendering oral advice regarding the Notice of Claim filed against the Town by Walt Olson. **MOTION** by Anders/Klinger to move to closed session. **Roll call vote – all ayes.** Moved to closed session at 8:05 P.M.
- XIV. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION. **MOTION** by Anders/Klinger to reconvene to open session. **Roll call vote – all ayes.** Reconvene to open session at 8:51 P.M. No action was taken as a result of the closed session.
- XV. Clerk's Report
A. Dane County Ordinances – The Clerk presented a letter from the Town to Robert Witte stating that no RDU was considered used by Lot 4 on Wittewood Lane.
- XVI. Board Reports
A. Cable – None.

B. Fire Department Minutes – Dave – January 2004. Chairman Hampton asked Supervisor Morrow to look for minutes for the January meeting of the Fire Department Building, Grounds and Insurance Committee.
- XVII. Committee Reports. None.
- XVIII. **MOTION** by Morrow/Schroeder to Adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:12 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
SPECIAL BOARD MEETING
AUGUST 20, 2004

- I. The meeting was called to order by Chairman Hampton at 10:00 A.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Steve Anders, Mike Klinger. Also present was Police Chief John Gould, Clerk Kim Banigan. Virgil Schroeder arrived at 10:20 A.M.
- II. Reconsider Provisions for Outside Events at Crossroads Tavern on August 21, 2004. **MOTION** by Klinger/Hampton to change the letter of agreement from requiring three off-duty officers to four hired security officers, two at the entrance of the beer garden, and two walking the grounds. After discussion, **THE MOTION WAS AMENDED** by Klinger **AND SECONDED** by Hampton to include a payment of \$350 from Crossroads Tavern to the Cottage Grove Police Department to offset the expense of extra officers on duty during the event. **MOTION CARRIED 4-0.**
- III. **MOTION** by Anders/Schroeder to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 10:39 A.M.

Kim Banigan
Clerk

JOINT MEETING

**VILLAGE OF COTTAGE GROVE BOARD OF TRUSTEES
AND
TOWN OF COTTAGE GROVE BOARD OF SUPERVISORS
September 2, 2004 Minutes**

1. **Call to order:** Village President Ken Dahl called the meeting to order at 7:02 p.m. There were no citizens present.
2. **Determination that a quorum is present and that the meeting was properly posted:** It was determined that a quorum was present and that the agenda had been properly posted.

Village Board present: President Ken Dahl, Diane Wiedenbeck, Randy Margenau, Patricia Krail, Fred Schulze and Kathleen Giese

Town Board present: Chairman Kris Hampton, David Morrow, Michael Klinger, Steven Anders and Virgil Schroeder.

3. **Pledge of Allegiance**
4. **Discuss and consider the minutes of the July 8, 2004 Meeting:** Giese moved to approve the minutes of the meeting with the change of the date to reflect the July 1, 2004 meeting. Seconded by Schulze. Motion carried. 10-0-1 with Morrow abstaining.
5. **Discuss and consider bid specifications proposed by the City of Monona for a joint Garbage/Recycling Collection contract:** Although contact was attempted with the City of Monona, no favorable response was received from them.
6. **Discuss and consider a joint Garbage/Recycling contract, should the City of Monona proposal not be received:** After a thorough review of the contract that the Village has with Waste Management, it was determined that the following changes should be made.
 - Change the definition of a residential unit to be defined as being each dwelling unit of a building having less than four units. (This was changed from six units)
 - Contract is for 5 years with dates to read 1/1/2005 thru 12/31/2009
 - Village and Town are to be notified by telephone and certified letter with any change of schedule.
 - Strike the brand name of the phone book that the waste removal company would pick up and discard. Leave wording as "phone books"

Motion was made by Hampton, seconded by Giese to contact the Town of Sun Prairie and Town of Dunn to check on their interest on joining us for a RFP on waste removal services. Administrator Manley to send a RFP including the above changes to a bidders list prepared by herself plus any additions that may be brought to her attention, and to have the Village publish the RFP in the Herald Independent and the Town publish in the State Journal, with the results to be shared at the next regularly scheduled Joint Board meeting. Motion carried by unanimous consent. 11-0-0

7. **Presentation of concept proposal for the Russell Property by Thomas Russell:** There was no action taken on this item per the request of Thomas Russell.
8. **Future agenda items:** Entrance signage, receipt of bids on waste removal
9. **Adjourn:** Schulze moved to adjourn, seconded by Wiedenbeck. Motion carried by unanimous consent. 11-0-0. Meeting adjourned at 7:27 p.m.

Respectfully submitted by: _____

Peggy Chapman, CMC, Village Clerk-Treasurer

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
SEPTEMBER 7, 2004

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Steve Anders, Virgil Schroeder, Dave Morrow, and Mike Klinger. Also present were Treasurer Debbie Simonson and Clerk Kim Banigan.
- II. Minutes of Previous Meeting:
 - A. **MOTION** by Schroeder/Morrow to approve minutes of Regular Board Meeting August 16, 2004 as printed. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Klinger/Anders to approve minutes of Special Board Meeting August 20, 2004 as printed. **MOTION CARRIED 4-0-1.** Morrow abstained.
- III. Finance Report:
 - A. **MOTION** by Schroeder/Klinger to approve payment of bills corresponding to checks #10985 to #11045, holding check number 11044 and including voided check 11043. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to accept net worth at \$682,604.26. **MOTION CARRIED 5-0.**
 - C. Treasurer Simonson stated that recently two fire inspectors turned in hours for 2003, which will put the Town over budget for 2004. These hours will be paid, however Treasurer Simonson sent a memo to Fire Chief Bruce Boxrucker stating that hours must be submitted in the year they are performed, or no payment will be made.
- IV. Public Concerns: none
- V. Right of Way Permits: **MOTION** by Anders/Klinger to allow Alliant to trench for new natural gas service at 3670 Graham Paige Road. **MOTION CARRIED 5-0.**
- VI. Landfill Update:
 - A. Chairman Hampton reported that the August 20, 2004 test shows gas probe 8 at 0% and probe 9 at .05% methane. Gas probe 9 had previously gone undetected since October 31, 2003.
- VII. Plan Commission Recommendations: James Spencer – 3270 Spencer Road – Zone Change. **MOTION** by Schroeder/Anders to approve the Plan Commission recommendation for zone change from A-1EX to R-3A for .1724 acres to allow for set backs to add a second story deck. **MOTION CARRIED 5-0.**

- VIII. Treasurer Simonson stated that Attorney Connie Anderson had advised her that going against the vehicle of a delinquent personal property taxpayer could be messy and costly. The amount of delinquent personal property tax is \$1284 for 2002, \$995 for 2003, plus interest and fees. Treasurer Simonson has been to three court appearances, the final of which resulted in a financial disclosure of the delinquent taxpayer. Treasurer Simonson immediately filed for garnishment, but the funds were already gone. The Town currently has liens against the property at 1629 N. Jargo Road in Deerfield, and interest will continue to accrue. **MOTION** by Hampton/Klinger to not go against the vehicle, but remain with the liens against the property, and wait for it to be sold. **MOTION CARRIED 5-0.**
- IX. Three signatures on checks. Treasurer Simonson stated that an alternate check signer is needed, in the event that the Chairman, Treasurer or Clerk is not available to sign. **MOTION** by Schroeder/Klinger to make Steve Anders the alternate check signer. **MOTION CARRIED 5-0.**
- X. Action to Deny Claim from Walt Olson. Chairman Hampton read the drafted letter to deny Walter J. Olson's claim dated May 21, 2004 challenging the Town's TDR program. **MOTION** by Schroeder/Hampton to deny the claim, and to send the letter as read. **MOTION CARRIED 5-0.** Chairman Hampton directed the Clerk to send a copy to VFIS Claims Management.
- XI. Driveway Permit – Thomas Knorr – 3688 W. Jargo Road. Mr. Knorr is seeking a permit for a second driveway to service a shed to be constructed. Chairman Hampton stated that he and Highway Superintendent Smith visited the site, advised that a 15" culvert would be required, and questioned plans for a locus tree leaning toward the road. Mr. Knorr was agreeable to the culvert and to removing the tree. **MOTION** by Morrow/Anders to approve the second driveway permit with a 15" culvert. **MOTION CARRIED 5-0.**
- XII. Mike Niebuhr – Luds Lane – Wisconsin Transportation Plan. Mr. Niebuhr shared with the Board a copy of Dane County's Land Use and Transportation Plan showing a 4-lane divided highway from Sprecher Road at Hwy BB to Hwy 12&18, including a re-routed version of CTH AB. He expressed concerns for his neighbors with residences close to the road.
- XIII. Resolution for amount of Election Workers. Chairman Hampton read Resolution 2004-4 calling for a change in the number of Election Inspectors. **MOTION** by Anders/Schroeder to approve Resolution 2004-4 changing the number of Election Inspectors from 3 to 5 for the November 2, 2004 election. **MOTION CARRIED 5-0.**
- XIV. Discuss additional well testing from Hydrite situation – Residence home. Kathy Christoph described the plan recommended by the Ad Hoc Well Testing Group which divided the Hydrite replacement wells into five clusters, with one well in each cluster tested in July of 2004. The Christoph and Steve Schultz wells had positive results. DNR Contact Mike Schmoller stated to Mrs. Christoph that none of the monitoring

wells (~100 ft. deep) test to the depth of the replacement wells (350-375 ft. deep). Mr. Schmoller recommended retesting the two wells with detections, using a different testing firm – Seymour Environmental. It was also noted that the compound detected in the Christoph well was not one being tested for by Hydrite, and not one considered to be a contaminant possible from Hydrite. **MOTION** by Anders/Morrow to authorize approximately \$360 to retest the Christoph and Schultz wells by Seymour Environmental as soon as it can be arranged. **MOTION CARRIED 5-0.**

- XV. Discuss Road Easement for Three Oaks thru School Forest. Joe Kuhn of Solei Development Corp. presented the Board with maps showing a proposal to the Monona Grove School Board to swap .32 acres in the northeast corner of the School Forest in exchange for 5.58 acres of forest around the edges of the proposed Three Oaks development. The swap would allow access to the property owned by High Tech Heating and ultimately to Highway BB. Chairman Hampton stated that Phase 2 of Three Oaks, the portion north of Taylor Street, would not happen without such access according to the Village's preliminary approval. A lively discussion ensued, with concerns that even if this proposal is accepted, it will not prevent requests for further access, which could result in condemnation of property belonging to Town residents. Regret was expressed for approving the annexation without access to Highway BB worked out beforehand. **MOTION** by Morrow/Klinger to endorse the presented recommendation for swapping .32 acres of School Forest for 5.58 acres of forest. **MOTION CARRIED 3-2.** Schroeder and Anders opposed.

Attorney Greg Murray arrived 8:27 P.M.

- XVI. Alternate Route Study. In the event of a tie-up on the Interstates of more than one hour, I-90/39 would be rerouted onto County N and 12/18, I-94 would be rerouted onto N, BB and 12/18. **MOTION** by Schroeder/Morrow to accept the Alternate Route Agreement. **MOTION CARRIED 5-0.**
- XVII. Possible Changes in the Structure of Representation on the Madison Area MPO Board. No action taken.
- XVIII. Discuss/Respond to RPC on Village Urban Service Area Expansion. Chairman Hampton stated that Landmark Services Co-op had requested the south end of the proposed expansion area for new offices, possible houses on north edge of their property. **MOTION** by Anders/Klinger to direct the Chairman to send a letter to the RPC stating the Board's reasons for not approving the Urban Service Area Expansion because of the ongoing discussion between the Joint Planning Commission regarding boundary issues, as well as the approximately 1000 acres recently granted. **MOTION CARRIED 5-0.**
- XIX. WTA Convention, October 3rd thru 5th. Chairman Hampton, Supervisors Anders and Klinger, and Clerk Banigan will attend.

- XX. Set Date for First Meeting in October. **MOTION** by Schroeder/Klinger to schedule the first meeting in October for 7:00 P.M. on October 6, 2004. **MOTION CARRIED 5-0.**
- XXI. Dane County Town's meeting – September 8, Town of Christiana. Chairman Hampton will attend.
- XXII. CONSIDER MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85 (1)(e)(g) deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and for the purpose of conferring with legal counsel who is rendering oral advice concerning LEC Agreement and Pending Landfill Lawsuit. **MOTION** by Klinger/Morrow to move to closed session. **Roll call vote – all ayes. MOTION CARRIED 5-0.** Moved to closed session at 8:41 P.M.
- XXIII. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION. **MOTION** by Schroeder/Anders to reconvene to open session. **Roll call vote – all ayes. MOTION CARRIED 5-0.** Reconvene to open session at 9:57 P.M. No action was taken as a result of the closed session.
- XXIV. Clerk's Report
- A. Dane County Ordinances – The Clerk presented Dane County Ordinance Amendment No. 11, 2004-2005, amending Chapter 10 of the Dane County Code of Ordinances, creating an adult entertainment overlay district. **MOTION** by Schroeder/Klinger to support Ordinance Amendment No. 11. **MOTION CARRIED 5-0.**
- XXV. Board Reports
- A. Cable – None.
- XXVI. Committee Reports.
- A. LEC – no meeting scheduled.
- B. Flynn Hall meeting set budget for \$5100, split 3 ways.
- XXVII. **MOTION** by Morrow/Klinger to Adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:08 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
SPECIAL BOARD MEETING
SEPTEMBER 13, 2004

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Virgil Schroeder, Dave Morrow, and Mike Klinger. Also present were Clerk Kim Banigan and Attorney Connie Anderson.
- II. Discuss Urban Service Area.
 - A. Attorney Anderson presented a memo summarizing a RPC seminar she and Attorney Greg Murray attended on September 10. The RPC will be dissolved on October 1, 2004, the Dane County Council of Governments (DCCOG), the RPC's successor agency, will not be legislatively enacted until January, 2005 at the earliest, and probably not staffed and functioning for another 6 to 8 months. As of October 1, 2004, the DNR will be responsible for all sewer service extensions and USA amendment reviews and approvals. County Resolution 107, to be presented at the Dane County Board meeting on September 23, 2004, will determine whether or not RPC staff will be hired by the County to work on LSA/USA requests.

Steve Anders arrived at 7:07 P.M.

- B. Attorney Anderson also presented a DNR memo regarding Submittal Guidance for Sewer Service Area Amendment requests after September 30, 2004. This memo would apply if no RPC staff is retained. She emphasized the following aspects of submitting a request while the DNR is the approving agency:
 1. The County memo deals strictly with Sewer Service Area (SSA)
 2. The public hearing for a proposed amendment is to be held in the municipality, not at the County.
 3. Since the County has limited resources available for this, the municipality will have more responsibility for completing maps and other supporting information. The process could take 6-8 months.
 - C. Consensus was for Board members to digest the presented information before discussion and direction at the September 20, 2004 Board meeting
 - III. CONSIDER AND MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. {19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral advice concerning Walter Olson. **MOTION** by Klinger/Anders to move to closed session. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 5-0.** Moved to Closed Session at 8:18 P.M.

- IV. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION. **MOTION** by Anders/Klinger to reconvene to open session. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 5-0.** Reconvened to Open Session at 8:47 P.M. No action was taken as a result of the closed session.
- V. Adjourn. **MOTION** by Schroeder/Klinger to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:47 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
September 20, 2004

I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Kris Hampton, Virgil Schroeder, Dave Morrow, and Mike Klinger. Also present were Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Clerk Kim Banigan.

II. Minutes of Previous Meeting:

A. **MOTION** by Schroeder/Morrow to approve minutes of Special Board Meeting September 13, 2004 as printed. **MOTION CARRIED 4-0.**

Steve Anders arrived at 7:04 P.M.

B. **MOTION** by Schroeder/Morrow to approve minutes of Regular Board Meeting September 7, 2004 as printed. **MOTION CARRIED 5-0.**

III. Finance Report:

A. **MOTION** by Schroeder/Klinger to approve payment of bills corresponding to checks #11046 to #11074. **MOTION CARRIED 5-0.**

B. **MOTION** by Anders/Klinger to accept net worth at \$650,982.56. **MOTION CARRIED 5-0.**

IV. Public Concerns: none

V. Right of Way Permits: none.

VI. Landfill Update: Chairman Hampton reported that the September 15, 2004 Landfill Committee meeting had been canceled, and had not been rescheduled.

VII. USA Application. Supervisor Anders pointed out that the DNR's Submittal Guidance for SSA Amendment Requests after September 30, 2004 did not include any estimates of cost. He questioned whether there would be a fee for DNR review. He suggested requesting that attorney and engineering fees be deferred to next year so they could be budgeted for. **MOTION** by Anders/Schroeder to have Attorney Connie Anderson put together and submit a application for Limited Service Area with the DNR. Chairman Hampton stated that a sewer district would also need to be formed at a later time. **MOTION CARRIED 5-0.**

VIII. Third Grade Government Day. Given a choice of October 11 or 18, consensus was for the 18th. Chairman Hampton will confirm the date with the Fire and Police Departments, and EMS.

- IX. Consider Landowners' Petition to Dissolve the Dane County Drainage District #20. Steve Schultz presented the petition, and stated that the petition was not to eliminate the drainage, but to change the way it is handled. He explained that when the drainage district was originally formed in the 1920's, its purpose was to drain land to make it available for farming, and landowners were assessed based on benefiting acres. He further stated that today the majority of the land in the district is in conservation programs because the drainage is not effective enough to leave the land farmable. Administration and engineering costs mean the landowners are paying money without benefit. If the district is to be continued, it would need to be re-engineered due to poor records. Mr. Schultz stated that since there is no longer a benefit to the landowners, they prefer to dissolve the drainage district and pay individually for any changes that might be needed on their own land. Supervisor Schroeder stated that dissolving a drainage district can be good for landowners on the "bottom end", but can end up being costly to landowners at the "top end" who may end up paying to drain the entire district. He would like to see signatures of 100% of the landowners on the petition. Resident Eugene Brodd described a situation where the Drainage District had repaired a broken tile on his property, stating that the system does work. He was undecided as to whether or not to sign the petition. Also discussed was the fact that the Village is in the district, and wants to transfer out due to the difficulty on assessing individual property owners. About half of the Village storm sewers drain through this district to Koshonong, the other half drains to Door Creek. **MOTION** by Morrow/Anders to table the issue until the October 18, 2004 meeting, giving Mr. Schultz time to collect signatures on the petition. **MOTION CARRIED 5-0.**
- X. Resolution for Recycling Grant Representative. **MOTION** by Morrow/Klinger to approve Resolution 2004-5 authorizing the Town Clerk to submit the recycling grant application, sign necessary documents, and submit the final report. **MOTION CARRIED 5-0.**
- XI. Set 2005 Budget Meeting Dates. Budget Meetings will be held on October 11, 13 and 19 from 7-10 P.M., and on October 15 from 3-6 P.M.
- XII. Clerk's Report
A. Dane County Ordinances – none.
- XIII. Board Reports
A. Cable – None.
- XIV. Committee Reports.
A. Emergency Government: Chairman Hampton stated that the Emergency Government Committee had finalized their 2005 budget.
- XV. **MOTION** by Anders/Morrow to Adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:22 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
October 6, 2004

- I. The meeting was called to order by Chairman Hampton at 7:04 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Steve Anders, Virgil Schroeder, and Mike Klinger. Also present were Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Clerk Kim Banigan, Attorney Greg Murray, Police Chief John Gould, Village Administrator Kim Manley, Village Trustees Katie Giese and Randy Margenau.
- II. Minutes of Previous Meeting:
 - A. **MOTION** by Schroeder/Klinger to approve minutes of Regular Board Meeting September 20, 2004 as printed. **MOTION CARRIED 4-0.**
- III. Finance Report:
 - A. **MOTION** by Schroeder/Klinger to approve payment of bills corresponding to checks #11075 to #11120, with the exception of check #11119, which will be held until October 18, 2004. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Klinger to accept net worth at \$606,980.84. **MOTION CARRIED 4-0.**
 - C. Treasurer Simonson stated that the 4th quarter General Transportation Aid payment will be direct-deposited later this week.
 - D. **MOTION** by Anders/Schroeder to allow release of check #11044 at the Chairman's discretion. **MOTION CARRIED 4-0.**
 - E. **MOTION** by Schroeder/Anders to approve Third Quarter Per Diems as printed. **MOTION CARRIED 4-0.**
- IV. Public Concerns: none
- V. Right of Way Permits:
 - A. **MOTION** by Schroeder/Anders to approve Alliant Energy for trenching for new electric service at 2004 Nora Road. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Schroeder to approve Alliant Energy for trenching for new electric service at 1656 Susan Lane. **MOTION CARRIED 4-0.**
 - C. **MOTION** by Anders/Schroeder to approve Alliant Energy for jack and bore and trenching for new electric service at 3902 Laudon Road. **MOTION CARRIED 4-0.**

- VI. Landfill Update:
- A. Chairman Hampton reported that the September 23rd test result showed .05% methane on both gas probes 8 and 9.
 - B. Village Administrator Manley stated that the Village's attorney has been busy in court, and the Landfill meeting will be rescheduled when he gets out.
- VII. Tom Miazga – Hydrite Update: Mr. Miazga stated that there are no new concerns, and that the hydraulic barrier seems to be working. He presented maps showing contamination concentration levels before the barrier wells were put into use, and after one year of pumping, as well as maps indicating ground water levels and flow directions. Mr. Miazga stated that his conversations with Mike Schmoller of the DNR indicate that the DNR is satisfied with the system. A university consortium is conducting studies on the area, and results will be out later this year. Hydrite will continue to address water quality issues with the replacement wells. In response to a question from Supervisor Anders, Mr. Miazga stated that there has been no drop in the water table due to all of the pumping. He also reported that Hydrite is paying the difference between a “regular” well, and the extra provisions necessary in the contaminated area for new homes being built in the area.
- VIII. Non-Metallic Mining Ordinance. Attorney Murray described three options available to the Town:
- A. Rescind the Non-Metallic Mining ordinance, and turn control over to the County.
 - B. Revamp our current ordinance to meet state requirements
 - C. Start with the State's model ordinance to develop a new one.
- Attorney Murray stated a preference for starting with the State's model ordinance over re-working the existing ordinance. Discussion concerned whether to retain authority for the Town, or turn it over to the County. **MOTION** by Anders/Schroeder to direct Attorney Murray to draw up a new Non-Metallic Mining Ordinance in accordance with applicable State standards, and to check with the County to find out how the transfer of authority will come about. **MOTION CARRIED 4-0.**
- IX. Approve LEC Agreement: Chairman Hampton outlined the additions suggested by the LEC Committee and the Town's attorney, including the need for clarification of how the proceeds of a sale of property were to be divided. Supervisor Anders addressed Village Administrator Manley in an attempt to clarify statements he made at the LEC meeting regarding continuation of the new agreement at its current level at the end of its term as long as negotiations continued in good faith. The Village's attorney is revising the agreement. **MOTION** by Schroeder/Hampton to table the issue until the October 18th meeting, when hopefully the revised agreement will be available. **MOTION CARRIED 4-0.**
- X. Discuss LEC Budget: A discussion was held but no action was taken.

- XI. Approve Deer/Grove EMS 2005 Budget: **MOTION** by Klinger/Anders to approve the Deer/Grove EMS 2005 Budget as presented. **MOTION CARRIED 4-0.**
- XII. Approve Key for Legion. **MOTION** by Klinger/Anders to approve giving the American Legion a key to get into the basement of the Town Hall so they can retrieve their guns for practice. **MOTION CARRIED 4-0.**
- XIII. Skip to Clerk Report since Attorney Murray was not available for closed session. Nothing for Clerk Report.
- XIV. Board Reports:
A. Cable – Nothing to report.
- XV. Committee Reports.
A. Joint Fire Department Meeting: Chairman Hampton reported that the budget was completed.

B. LEC – covered in earlier discussion.
- XVI. **MOTION** by Schroeder/Anders to MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral advice concerning Hydrite Litigation and Dismissal of agreement. **Roll-Call vote – all ayes. MOTION CARRIED 4-0.** Moved to closed session at 9:07 P.M.
- XVII. **MOTION** by Anders/Schroeder to arise from closed session. **Roll-Call vote – all ayes. MOTION CARRIED 4-0.** Returned to open session at 9:17 P.M.
- XVIII. **MOTION** by Anders/Klinger to approve the Final Settlement Agreement as presented by Attorney Murray in closed session, subject to modifications by the Town Attorneys as to form. **MOTION CARRIED 4-0.**
- XIX. **MOTION** by Schroeder/Hampton to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:19 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD CLOSED SESSION
October 6, 2004

NOT A PUBLIC RECORD – (Approved and Released 2/21/2005)

- I. **MOTION** by Schroeder/Anders to MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral advice concerning Hydrite Litigation and Dismissal of agreement. **Roll-Call vote – Klinger-aye, Schroeder-aye, Anders-aye, Hampton-aye. MOTION CARRIED 4-0.** moved to closed session at 9:07 P.M. Also present were Clerk Kim Banigan and Attorney Greg Murray.
- II. Attorney Murray presented the red-line version of the Final Settlement Agreement for the lawsuit between the Town of Cottage Grove and Hydrite Chemical Co., pointing out areas of particular concern.
- III. **MOTION** by Anders/Schroeder to arise from closed session. **Roll-Call vote – Klinger-aye, Schroeder-aye, Anders-aye, Hampton-aye. MOTION CARRIED 4-0.** Returned to open session at 9:17 P.M.

Kim Banigan
Clerk

JOINT MEETING
TOWN OF COTTAGE GROVE BOARD OF SUPERVISORS
VILLAGE OF COTTAGE GROVE BOARD OF TRUSTEES
October 7, 2004

- I. The meeting was called to order by Town Chairman Hampton at 7:04 P.M. It was determined a quorum was present, and the meeting was properly posted in both municipalities.

Town Board present: Chairman Kris Hampton, Supervisors Steve Anders, Dave Morrow and Mike Klinger.

Village Board present: President Ken Dahl, Trustees Diane Wiedenbeck, Randy Margenau, Patricia Krall, Fred Schulze and Kathleen Giese.

- II. Minutes of Previous Meeting: **MOTION** by Wiedenbeck/Anders to approve minutes of the Joint Village Board and Town Board meeting September 2, 2004 as printed. **MOTION CARRIED 10-0.**
- III. Discussion of ETZ: **MOTION** by Giese/Wiedenbeck for the Town and the Village to pursue an ETZ agreement. The Village staff will provide information on the steps to go forward for the November meeting. **MOTION CARRIED 10-0.**
- IV. Discuss/Consider Proposed Entrance Signs – Hampton reported that Ron Reynolds of the Chamber of Commerce did not have anything ready at this time, but plans to have something by the November meeting.
- V. Discuss/Consider Proposal for Refuse and Recycling Collection Services: Discussion centered on bids from Waste Management and Green Valley Disposal. A bid was also received from Onyx Waste Services. Ken Corbett of Waste Management stated that the Waste Management and Green Valley bids could not be compared because the Waste Management bid was for unlimited service, the Green Valley bid was for limited service. Jeff Pitcel of Green Valley Disposal promoted his bid as a premium service that encourages recycling. **MOTION** by Margenau/Morrow to request both limited and unlimited bids for 3000 pickups from all three vendors. Village staff will request the bids, which are required by October 15th. **MOTION CARRIED 10-0.** The joint boards plan to meet at 6:45 on October 18th at the Village Hall to approve a garbage contract.
- VI. Discuss/Consider Annexation Proposal for Blum property. Jeff Rosenberg of Veridian Homes and Dave Munson of Vandewalle Associates presented a proposal to annex the 40 acre Blum property. No action was taken.
- VII. Items for next agenda: ETZ, Entrance Signs, Refuse and Recycling Contract (if not already resolved), Blum Property Annexation Petition.
- VIII. **MOTION** by Schulze/Anders to adjourn. **MOTION CARRIED 10-0.** The meeting was adjourned at 8:11 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
October 11, 2004

- I. The meeting was called to order by Chairman Hampton at 7:10 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Steve Anders, and Mike Klinger. Also present were Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Clerk Kim Banigan.
- II. Jeff Smith from Burke Truck described options for purchasing a new snowplow truck.
- III. Other areas of discussion included: Revenues, General Government, Judicial and Legal, General Administration, Financial Administration, Fire Protection, EMS, and Inspections.
- IV. Adjournment: **MOTION** by Klinger/Anders to adjourn. **MOTION CARRIED 3-0.**
The meeting was adjourned at 9:40 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
October 13, 2004

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Steve Anders, Virgil Schroeder, and Mike Klinger. Also present were Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Clerk Kim Banigan.
- II. The following items were adjusted from the values set at the October 11 meeting: Licenses and Permits, Village fire payments, Audit and Accounting.
- III. Rent Income: Pastor Brill of the Cottage Grove Baptist Church presented a proposal for the church to purchase 70 chairs at \$4451.30, which would be deducted from their Town Hall rent at the rate of \$200/month until the chairs are paid for.
- IV. Police: 3% increase for both union and non-union represented. No new officers. Purchase one new car, keep old car, but that does not mean two new cars can be purchased next year. Don't budget for communications equipment set aside.
- V. General Building Town, Debt Service, Health and Human Services, Highway Department were also discussed.
- VI. **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:40 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
October 15, 2004

- I. The meeting was called to order by Chairman Hampton at 3:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Steve Anders, Virgil Schroeder, and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Road Patrolmen Rolland Schutz and Steve Querin-Schultz.
- II. **MOTION** Anders/Klinger to move to closed session pursuant to Wisconsin Statute 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 4-0.**
- III. Chairman Hampton presented the proposed 2005 Labor Negotiation Agreement which reflects a 3% increase for Road Patrolmen, Office Secretary, Replacement Secretary and Janitorial Worker. Steve Querin-Schultz asked that the health insurance allowance be increased from \$300 to \$325/month. **MOTION** by Schroeder/Anders to increase wages by 3% and increase health insurance allowance to \$312.50/month. **MOTION FAILED 2-2. MOTION** by Anders/Klinger to increase wages by 3% and increase health insurance allowance to \$325/month. **MOTION CARRIED 3-1.** Schroeder opposed.
- IV. Chairman Hampton pointed out a new policy requiring that all Highway Department vacations during winter months (December-March) be approved by the Highway Superintendent, with a staff of 3 available at all times. Office staff vacations are to be approved by the Chairman. Schutz stated he felt no vacations should be approved when snow is predicted.
- V. **MOTION** by Schroeder/Anders to reconvene to open session. **ROLL CALL VOTE – ALL AYES.** Open session was reconvened at 4:49 P.M.
- VI. **MOTION** by Schroeder/Klinger to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 4:50 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
October 18, 2004

- I. The meeting was called to order by Chairman Hampton at 7:18 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Steve Anders, Virgil Schroeder, and Mike Klinger. Also present were Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Clerk Kim Banigan, Police Chief John Gould, Village Administrator Kim Manley.
 - II. Minutes of Previous Meeting:
 - A. **MOTION** by Schroeder/Klinger to approve minutes of Regular Board Meeting October 6, 2004 as printed. **MOTION CARRIED 4-0.**
 - III. Finance Report:
 - A. **MOTION** by Schroeder/Anders to approve payment of bills corresponding to checks #11121 to #11162, with voided check #11158. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Klinger to accept net worth at \$596,952.32. **MOTION CARRIED 4-0.**
 - IV. Public Concerns: none
- Attorney Connie Anderson arrived.
- V. Right of Way Permits:
 - A. **MOTION** by Schroeder/Klinger to approve Verizon to jack and bore and trench for new telephone service between pedestals on Siggelkow Road. **MOTION CARRIED 4-0.**
 - VI. Landfill Update: Chairman Hampton reported that there was nothing new, nothing scheduled.
 - VII. Dane County Drainage Board Dissolve: Chairman Hampton reported that Steve Querin-Schultz had withdrawn his request to dissolve drainage district 20. Leonard Massie, Secretary of the Drainage Board, described the current state of the drainage district, and stated that there were no assessments planned.
 - VIII. Variance – Jim Poley – Meadowview Lane – Deck too close to lot line. Mr. Poley presented his survey map and pointed out where the deck is too close to the western lot line by 3 feet. **MOTION** by Schroeder/Anders to approve the variance for 3 feet on the western boundary of Mr. Poley's lot. **MOTION CARRIED 4-0.**

- IX. Approval of Street Light – Corner of Luds Lane and County Road AB. Mike Niebuhr stated his request for the street light, and stated that he was fine with the estimated \$100/year special charge on his tax bill. **MOTION** by Anders/Klinger to approve the street light, with the cost passed on to Mr. Niebuhr as a special charge on his tax bill. **MOTION CARRIED 4-0.**
- X. Landfill Agreement for 2005 – Strand. Chairman Hampton summarized the proposed 2005 Agreement with Strand Associates, Inc. to monitor the Landfill. Village Administrator Manley acknowledged that the Village has received a copy of the agreement. **MOTION** by Anders/Klinger to approve the agreement. **MOTION CARRIED 4-0.**
- XI. Approval of LEC Agreement. Attorney Anderson brought up the following areas of concern with the agreement as drafted:
- A. In 1.1, the reference should be Wis. Stats. §66.0301, not §66.30.
 - B. Section 5 regarding Ownership of Assets needs clarification as it only deals with allocation of proceeds while the agreement is in effect. Village Administrator Manley pointed out that section 7.2 deals with the division of property upon termination of the agreement.
 - C. Section 8.1, Term, does not allow for termination of the agreement once it has been extended for negotiation purposes. Discussion led to adding something along the lines of “or until written notice is received from either municipality to terminate negotiations. In such event, the municipalities agree to determine the time necessary to wind down the police department and provide adequate police protection.”
 - D. It was pointed out that the agreement contained two paragraphs numbered 8.3.
 - E. Chairman Hampton asked that section 2.1.3.6 specify the Village as custodian of the LEC records.
 - F. **MOTION** by Klinger/Anders to conditionally approve the LEC Agreement pending Town Attorney approval of the changes discussed tonight. **MOTION CARRIED 3-1.** Schroeder opposed. Village Administrator Manley agreed to take care of the changes, and to email the agreement to Attorney Anderson.
- XII. Approve Police 2005 Budget. After discussion, it was decided to eliminate the \$20,000 set aside for communications equipment, and to further reduce the figure for Capital by \$13,500. **MOTION** by Schroeder/Klinger to approve the 2005 Police budget at \$843,216.87. **MOTION CARRIED 4-0.**

- XIII. Burke Truck – New truck. Jeff Smith from Burke Truck presented the price and options for a new snowplow truck. Highway Superintendent Smith indicated the options desired were the exhaust brake and deluxe interior with extra sound-proofing. **MOTION** by Hampton/Anders to approve the purchase of the snowplow truck from Burke Truck, including the following:

2005 International model 7400 Single Axle Chassis	\$63,597.00
Burke Patrol Truck Package	45,500.00
Demonstrator Discount	-\$1000.00
Exhaust Brake	\$627.00
Deluxe Interior	<u>309.00</u>
Total	109,033.00

MOTION CARRIED 4-0. It was the consensus of the Board and the Highway Superintendent to try to sell the old truck outright, but Mr. Smith stated that Burke Truck would still take it as a trade in at the time of delivery of the new truck if attempts to sell it were unsuccessful.

- IV. Blum Property Annexation. Attorney Anderson was advised of the request for annexation of the 40 acre Blum property west of Ravenwood Estates. She outlined the following areas to be worked on for discussion at the next meeting:
- A. Town Engineer evaluation of stormwater run-off from the proposed development into Ravenwood Estates.
 - B. Completion of the Annexation Review Questionnaire by Attorney Anderson.
 - C. Address the six standards for reviewing annexation requests outside the Village Growth Area in the Amendment to 1996 Intermunicipal Agreement and Stipulation between Village and Town of Cottage Grove.
- V. Charter Communications to discuss internet for the Town Office. No one from Charter was present. Police Chief John Gould stated that it is possible the Town Office will have high-speed internet service as part of the police records system he is working on implementing.
- VI. Appoint an Alternate to LEC. Attorney Anderson stated that the LEC Agreement does not contemplate absence of a committee member. On Attorney Anderson's suggestion, **MOTION** by Hampton/Anders to remove Dave Morrow from the LEC, and to appoint Mike Klinger as a new representative. **MOTION CARRIED 4-0.**
- VII. Urban Service Area – Connie Anderson. Attorney Anderson stated that County Resolution 107 has passed, and the former RPC employees have been hired by Dane County to work on USA/LSA requests. After discussion, a game plan was outlined by Attorney Anderson to include the following with reports back to the Board as soon as possible:

- A. Obtain an estimate from Warren Meyers (town engineer) for additional costs with a Limited Service Amendment Application.
 - B. Contact Madison Metropolitan Sewerage District regarding a possible connection for the Nondahl area.
 - C. Chairman Hampton and Attorney Anderson work on developing a policy.
 - D. Clerk Banigan to contact Jim Clark with Dane County to obtain a list of septic systems in Nondahl Heights that have been replaced in the last four years.
- VIII. **MOTION** by Anders/Klinger to MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral advice concerning Olson Litigation. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 4-0.** Moved to closed session at 9:00 P.M.
- IX. **MOTION** by Anders/Klinger to reconvene to open session. **ROLL CALL VOTE – ALL AYES.** Reconvened to open session at 10:04 P.M.
- X. Clerk's Report.
- A. Dane County Ordinances. Chairman Hampton read the changes underlined in each of three ordinance amendments:
- 1. No action taken on Ordinance Amendment 15 Amending Chapter 11 of the Dane County Code of Ordinances requiring a seventy-five foot setback from wetlands.
 - 2. **MOTION** by Anders/Klinger to approve Ordinance Amendment 16 Amending Chapter 10 of the Dane County Code of Ordinances Providing for Town Board Consideration of Conditional Use Permits. **MOTION CARRIED 4-0.**
 - 3. **MOTION** by Anders/Klinger to approve Ordinance Amendment 18 Amending Chapter 10 of the Dane County Code of Ordinances, providing for agricultural based education and entertainment in the A-1 Exclusive Agriculture District. **MOTION CARRIED 4-0.**
- XI. **MOTION** by Schroeder/Klinger to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 10:17 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
October 28, 2004

- I. The meeting was called to order by Chairman Hampton at 7:09 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Steve Anders, and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Highway Superintendent Jeff Smith.
- II. Clerk Banigan pointed out that since the new garbage contract rates include the Wisconsin generator waste tax, \$3600 can be removed from 52130 – Other Sanitation Misc. Expenses.
- III. Treasurer Simonson stated she expects a \$40,000 carryover.
- IV. Added \$20,000 to debt service principal from sale of old snowplow truck in 2005.
- V. The date of the Public Budget Hearing was set for November 30th at 7:00 P.M.
- VI. **MOTION** by Anders/Klinger to recommend the mill rate for 2005 at 4.218. **MOTION CARRIED 3-0.**
- VII. **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 3-0.** The meeting was adjourned at 8:16 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
November 1, 2004

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Steve Anders, Virgil Schroeder, and Mike Klinger. Also present were Highway Superintendent Jeff Smith, Clerk Kim Banigan, and Attorneys Greg Murray and Connie Anderson.
- II. Minutes of Previous Meeting:
 - A. **MOTION** by Schroeder/Anders to approve minutes of Regular Board Meeting October 18, 2004 as presented. **MOTION CARRIED 4-0.**
- III. Finance Report:
 - A. **MOTION** by Schroeder/Anders to approve payment of bills corresponding to checks #11163 to #11208, with voided checks #11192 and 11197. Check #11209 to be held and reconsidered at the November 15th meeting. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Klinger to accept net worth at \$547,230.93. **MOTION CARRIED 4-0.**
- IV. Public Concerns: David and Gloria Binette expressed their wish for the Town to furnish wireless internet service because there are no high-speed internet options available in their rural area, and dial-up access is unreliable. The Board suggested they bring it up at the Joint Town/Village meeting on November 4th.
- V. Right of Way Permits:
 - A. **MOTION** by Anders/Schroeder to approve Charter to drill on the corner of Bluebird and Meadowlark. **MOTION CARRIED 4-0.**
- VI. Landfill Update: Chairman Hampton reported that the October 25, 2004 test results show gas probes 8 and 9 both at 0% methane.
- VII. Town Ordinance – Mining Extraction – Reclamation. Skipped because Pam Andros was not yet present. See IX. Below.
- VIII. Blum Property Annexation: Chairman Hampton highlighted a report from Warren Myers of Town & Country Engineering which describes concerns about traffic on Town roads, especially in Ravenwood Estates, as well as concerns about stormwater runoff and it's effect on the wells of Town residents. See XI. Below for more discussion on Blum Annexation.
- IX. Town Ordinance – Mining Extraction – Reclamation. Pam Andros of Dane County Planning and Development presented a set of handouts describing Chapter NR135, The Nonmetallic Mining Reclamation Rule, and the regulation of mineral extraction in Dane

County. She emphasized that municipalities need to list conditions along with their recommendation to the County for CUP approvals.

Attorney Murray suggested that without a reclamation ordinance, the Town could still regulate such things as noise, road use, etc. by non-metallic mining operations through other ordinances. The issue was tabled until the December 6, 2004 meeting. The Board asked Attorney Murray to bring a recommendation for any changes that may be needed in current ordinances.

Dennis Richardson of Huston Holdings, Inc. urged the Board not to adopt a new Reclamation ordinance because of the cost involved for both the Town and pit owners.

- X. Burke Truck Financing. Attorney Anderson stated that the Town should qualify for a tax exempt interest rate. Chairman Hampton stated two financing options: Wisconsin Community Bank at 4.4% for 5 years, or 3.25% for 1 year; Bank of Sun Prairie at 4.0% for 5 years (this rate only guaranteed for 45 days, but is not expected to increase substantially). **MOTION** by Schroeder/Anders to accept the lowest rate. **MOTION CARRIED 4-0.**
- XI. Attorney Anderson asked for further discussion on the Blum Annexation. She presented a memo addressing the six points of review for annexations outside the Village Growth Area as set forth in the Amendment to the 1996 Boundary agreement. She asked for authority to send her memo and Warren Meyers' letter to George Hall. The authority was granted by consensus. Also by consensus, the Board directed her to send a letter to the Village requesting a joint meeting, as provided in the Boundary agreement, concerning the Blum Annexation.
- XII. Urban Service Area. Attorney Murray presented a memo describing MMSD connection procedures. Attorney Anderson presented Town & Country Engineering's estimate of engineering cost for Urban Service Area Application. **MOTION** by Klinger/Anders to direct Attorney Anderson to continue working on acquiring County approval for USA/LSA. **MOTION CARRIED 4-0.**
- XIII. CSM – Jill Billhorn - #9091. **MOTION** by Schroeder/Anders to accept CSM #9091. **MOTION CARRIED 4-0.**
- XIV. Plan Commission Recommendations: Wesley Skaar – Kinney Road – Zone Change – A1-EX to R-1A for 3.1 acres. Intended land use for 2 single family homes. The Plan Commission's approval had the following conditions: Not to exceed more than 1.6 acres, Lot 1 to have East West lot lines, no curve, one remaining RDU on the farm. Driveway drainage to be addressed on CSM, and determination on past motions on potential cost sharing on original road. Chairman Hampton stated that no past motions had been found regarding cost sharing of Kinney Road. **MOTION** by Anders/Klinger to accept the Plan Commission's recommendations. **MOTION CARRIED 3-1.** Schroeder opposed.
- XV. Resignation and appointment to LEC – Mike Klinger. Tabled until November 15th meeting.

- XVI. Charter Communications – Discuss Internet for Town Hall. Charter has not responded to Supervisor Anders' requests for internet service for the Town Hall. The Board directed Attorney Murray to send a letter to Charter holding them to the Cable Franchise Agreement which provides for internet service to the municipal building.
- XVII. Discuss Chairs for Meeting Room – Cottage Grove Baptist Church. Discussion as to whether it would be better for the Town to purchase chairs rather than the Baptist Church purchasing them for rent credit. The Town would only need 50 chairs, the Church could purchase more if they need them. Chairman Hampton will direct Supervisor Morrow to get a price for 50 chairs.
- XVIII. **MOTION** by Anders/Klinger to **MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(g)** for the purpose of conferring with legal counsel who is rendering oral advice concerning Olson Litigation. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 4-0.** Moved to closed session at 9:07 P.M.
- XIX. **MOTION** by Anders/Klinger to reconvene to open session. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 4-0.** Reconvened to open session at 9:47 P.M.
- XX. Clerk's Report. None.
- XXI. Committee Reports
A. LEC – Have an agreement, but the Town does not yet have a signed copy.
- XXII. **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:51 P.M.

Kim Banigan
Clerk

**VILLAGE OF COTTAGE GROVE BOARD OF TRUSTEES
AND
TOWN OF COTTAGE GROVE BOARD OF SUPERVISORS**

MEETING MINUTES OF NOVEMBER 4, 2004

1. **Call to order:** Village President Ken Dahl called the meeting to order at 7 P.M. Two people were in the audience
2. **Determination that a quorum is present and that the meeting was properly posted:** Compliance was met. Roll call was taken. Present from the Village were: President Ken Dahl, Randy Margenau, Diane Wiedenbeck, Patricia Krall, Fred Schulze and Kathleen Giese. Absent was Suzanne Zinkel. Present from the Town were: Town Chairperson Kris Hampton, David Morrow, Steve Anders, Virgil Schroeder and Mike Klinger. Also present were Village Administrator Kim Manley and Village Clerk-Treasurer Peggy Chapman
3. **Pledge of Allegiance.**
4. **Discuss and consider the minutes of the October 7, 2004 meeting:** Hampton moved to approve the minutes as submitted. Seconded by Schulze. Motion carried by majority approval. 10-0-1, with Schroeder abstaining.
5. **Discuss and consider ETZ:** Guide to Community Planning in Wisconsin handouts were included in the packets for review and discussion. It was stated that Madison has a 3 mile jurisdiction, and that the Village has 1.5 miles. There are three major steps involved in adoption of an ETJ ordinance. 1) The governing body of the city or village adopts and publicizes a resolution establishing intent. 2) The Plan Commission formulates tentative recommendations and refers same to the adopting municipalities Plan Commission. Then a Joint ETZ Committee is comprised. This Joint Committee must approve the recommendations by majority. 3) Once the Joint Committee approves it, the governing body of the municipality may adopt the regulations or request changes. A public hearing must be held. Any changes must be approved by the Joint Committee. This entire process can take up to 2 years to complete, with a possible extension of 1 year. Hampton moved to continue working on Extra Territorial Zoning, seconded by Dahl. Motion carried by unanimous consent. 11-0-0
6. **Discuss and consider entrance signs:** Ron Reynolds called Dahl. Information will be available for the December Joint Board meeting.
7. **Discuss and consider Blum property annexation petition. (Village is working on a pre-annexation agreement):** Brian Munson, representative for the Blum Property was available for questions. He stated that there would be approximately 152 units. Munson stated that the main access would be on the not yet developed road on the school property. No agreement had been reached regarding this access. Town members raised concern over the excess traffic that would be utilizing the roads in Ravenwood Subdivision, stating that they were too narrow and not made

for heavy traffic. It was also felt that a bike path was not a good idea on those roads due to the narrowness. Village members concurred. Stormwater management would also need to be addressed to handle a 100 year storm event. Currently the roads in that area have trouble even in a 5 year storm. It was asked if some lots could be available for local builders. Don Espizedo responded that Veridian normally does 100% of the buildings and that they would look similar to those in Grand View Commons. Margenau moved to deny the petition for annexation, seconded by Schroeder. Motion carried by majority consent. 11-0-1, with Schulze abstaining.

8. **Future agenda items:** entrance signage, FTZ draft resolution, including a description of the land to be zoned.
9. **Adjourn:** Schulze moved to adjourn, seconded by Anders. Motion non-debatable. Meeting adjourned at 8:00 P.M.

Respectfully submitted by _____
Peggy S. Chapman, CMC, Village Clerk-Treasurer

Approved on: _____

Next meeting to be held 12-2-04 at the Town Hall.

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
November 15, 2004

- I. The meeting was called to order by Acting Chairman Anders at 7:03 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Acting Chairman Steve Anders, Supervisors Virgil Schroeder, Dave Morrow, and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith and Police Chief John Gould.
- II. Minutes of Previous Meeting:
- A. **MOTION** by Schroeder/Klinger to approve minutes of Regular Board Meeting November 1, 2004 as printed. **MOTION CARRIED 3-0-1.** Morrow abstained.
- III. Finance Report:
- A. **MOTION** by Schroeder/Morrow to approve payment of bills corresponding to checks #11210 to #11250, including the release of check #11209 on November 16, 2004. **MOTION CARRIED 4-0.**
- B. **MOTION** by Klinger/Morrow to accept net worth at \$519,002.85. **MOTION CARRIED 4-0.**
- IV. Public Concerns: None.
- V. Skip to Approval of Purchase of Computer for Office: Clerk Banigan presented computer specifications and prices from Modern Business Technologies and Dell. **MOTION** by Morrow/Klinger to approve purchase of a computer system from Modern Business Technologies with the following options (complete specifications attached), quoted price of \$1336:
- 512 MB DDR
80 GB Hard Drive
Flat Panel Display
CD-RW Drive
CD-ROM Drive
- Motion also included purchase of a Norton Anti-Virus subscription for the new computer. **MOTION CARRIED 4-0.**
- VI. Right of Way Permits:
- A. **MOTION** by Schroeder/Morrow to approve Alliant to trench for new electric service at 3200 Kinney Road. **MOTION CARRIED 4-0.**
- B. **MOTION** by Schroeder/Klinger to approve BT² to drill for soil samples on Coffeytown Road. **MOTION CARRIED 4-0.**

- C. **MOTION** by Schroeder/Morrow to approve Verizon to tunnel, plow and trench for buried telephone on Vilas Road. **MOTION CARRIED 4-0.**
- VII. Landfill Update: Nothing.
- VIII. Resignation and Appointment to LEC.
- A. **MOTION** by Schroeder/Morrow to accept Mike Klinger's resignation from the Law Enforcement Committee. **MOTION CARRIED 4-0.**
- B. **MOTION** by Schroeder/Klinger to appoint Dave Morrow to the Law Enforcement Committee. **MOTION CARRIED 4-0.**
- IX. Charter – Police Records – Amendment to the Master Data Services Agreement for Remote Access Service. Police Chief Gould summarized the properties and benefits of the Charter MPLS connection, and clarified that there should only be one charge of \$99 to be split between the Town and the Village for Court Clerk access to the system from her office in the Village Hall. **MOTION** by Schroeder/Morrow to approve the Amendment to the Master Data Services Agreement for Remote Access Service pending approval by Town Attorneys. **MOTION CARRIED 4-0.**
- X. Purchase of Chairs for Meeting Room. No one from the Cottage Grove Baptist Church was present. The matter was tabled until the next meeting.
- XI. Attorney Murray called before the meeting to say that he would not be present, so NO CLOSED SESSION WAS HELD.
- XII. Clerk's Report. None.
- XIII. Board Reports
A. Cable – none.
- XIV. Committee Reports
A. Emergency Government: Supervisor Schroeder reported that the Emergency Government Committee had approved the purchase of a new computer.
- XV. **MOTION** by Morrow/Klinger to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:00 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
2005 BUDGET PUBLIC HEARING
November 30, 2004

- I. The public hearing was called to order by Chairman Hampton at 7:02 P.M. It was determined a quorum was present and the hearing was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors David Morrow, Virgil Schroeder, and Mike Klinger. Steve Anders arrived at 7:05 P.M. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, Police Chief John Gould, Fire Chief Bruce Boxrucker, Silvin Kurt, Mike Kindschi, and Steve Querin-Schultz.
- II. Chairman Hampton asked if everyone had a copy of the budget summary, and invited questions. Kindschi asked why indebtedness had only gone down by \$14,000, Chairman Hampton explained that the loan for the grader had been added.
- III. Supervisor Schroeder stated that while the proposal is essentially a bare bones budget, its positive aspects include a new 3 year police agreement with the Village, a new garbage contract, the addition of the new grader and ladder fire truck, and ample funds to maintain the roads in good condition.
- IV. **MOTION** by Anders/Boxrucker to close the public hearing. **MOTION CARRIED** by unanimous consent. The hearing was adjourned at 7:12 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
SPECIAL TOWN MEETING OF THE ELECTORS
November 30, 2004

- I. The meeting was called to order by Chairman Hampton at 7:12 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors David Morrow, Virgil Schroeder, Steve Anders and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, Police Chief John Gould, Fire Chief Bruce Boxrucker, Silvin Kurt, Mike Kindschi, and Steve Querin-Schultz.
- II. **MOTION** by Schroeder/Querin-Schultz to adopt the 2004 town tax levy of 4.21718/\$1000 of assessed value, to be paid in 2005 pursuant to s. 60.10(1)(a), Wis Stat. **ROLL CALL VOTE:** Boxrucker – aye, Querin-Schultz – aye, Kurt – aye, Smith – aye, Kindschi – aye, Simonson – aye, Klinger – aye, Banigan – aye, Hampton – aye, Anders – aye, Schroeder – aye, Morrow – aye. **MOTION CARRIED 12-0.**
- III. **MOTION** by Kurt/Kindschi to approve the year 2005 highway expenditures of \$7674.14/mile, exceeding \$5000/mile pursuant to s. 82.03(2)(a) (formerly 81.01(3)(a)). **ROLL CALL VOTE:** Boxrucker – aye, Querin-Schultz – aye, Kurt – aye, Smith – aye, Kindchi – aye, Simonson – aye, Klinger – aye, Banigan – aye, Hampton – aye, Anders – aye, Schroeder – aye, Morrow – aye. **MOTION CARRIED 12-0.**
- IV. **MOTION** by Schroeder/Klinger to adjourn. **MOTION CARRIED** by unanimous consent. The meeting was adjourned at 7:18 P.M.

Kim Banigan
Clerk

JOINT MEETING
TOWN OF COTTAGE GROVE BOARD OF SUPERVISORS
VILLAGE OF COTTAGE GROVE BOARD OF TRUSTEES
December 2, 2004

- I. The meeting was called to order by Town Chairman Hampton at 7:02 P.M. It was determined a quorum was present, and the meeting was properly posted.

Town Board present: Chairman Kris Hampton, Supervisors Steve Anders, Dave Morrow and Mike Klinger.

Village Board present: President Ken Dahl, Trustees Diane Wiedenbeck, Randy Margenau, Suzanne Zinkel.

Also present: Town Clerk Kim Banigan, Police Chief John Gould.

- II. Minutes of Previous Meeting: **MOTION** by Schroeder/Wiedenbeck to approve minutes of the Joint Village Board and Town Board meeting November 4, 2004 as presented. **MOTION CARRIED 8-0.**
- III. Discussion of ETZ: Dahl presented a map (Attached as Appendix A) showing area B as the proposed ETZ area, as well as a memo from Mike Slavney (Appendix B) which described 9 steps to enact extraterritorial zoning. The memo also included as examples the City of Sun Prairie's resolution declaring intent to exercise ETZ authority and the intergovernmental agreement for pursuing ETZ for the City of Sun Prairie and the Town of Windsor. Discussion was in favor of going ahead with the ETZ, with advantages including having joint control of the type of development in the ETZ area, as well as possible inclusion in a pilot of Dane County's Attain Dane program. It was also felt that ETZ would be a requirement in a boundary agreement with the City of Madison. Hampton stated that the Town would have a resolution stating its intent to engage in ETZ with the Village (step 1 of 9) on the December 20 Town Board agenda.
- IV. Discuss/Consider Proposed Entrance Signs – No one from the Chamber of Commerce or the Lions Club was in attendance.
- V. **MOTION** by Klinger/Morrow to MOVE TO CLOSED SESSION PURSUANT TO WISCONSIN STATUTE 19.85(1)(c) FOR THE PURPOSE OF CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY. **ROLL CALL VOTE:** Hampton – aye, Anders – aye, Morrow – aye, Margenau – aye, Dahl – aye, Zinkel – aye, Klinger – aye, Wiedenbeck- aye. **MOTION CARRIED 8-0.** Moved to closed session at 7:50 P.M.
- Zinkel left at 8:30.
- VI. **MOTION** by Dahl/Klinger to arise from Closed session. **ROLL CALL VOTE:** Hampton – aye, Anders – aye, Morrow – aye, Margenau – aye, Dahl – aye, Klinger – aye, Wiedenbeck- aye. **MOTION CARRIED 7-0.** Reconvened to open at 8:37 P.M. No action as a result of the closed session.

VII. Items for next agenda: Entrance signs.

VIII. **MOTION** by Anders/Margenau to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 8:37 P.M.

Kim Banigan
Town Clerk

TOWN OF COTTAGE GROVE
PUBLIC HEARING – BLASTING PERMIT – R.G. HUSTON
December 6, 2004

- I. The hearing was called to order by Chairman Hampton at 6:50 P.M. It was determined that a quorum was not needed, and that the hearing had been properly posted at Town Hall, Corn Palalce, Gaston Road at Brown Thrush and American Way. Members present: Chairman Chris Hampton, and Supervisors Dave Morrow. Virgil Schroeder and Mike Klinger arrived during the hearing. Also present were Clerk Kim Banigan, Highway Superintendent Jeff Smith, Dale and Dwight Huston, Nelson Schrock, and Dennis Richardson from R.G. Huston, and Daniel and Doris Archie.
- II. Chairman Hampton asked if there were any questions from the public. Mr. & Mrs. Archie asked to be notified prior to any blasting. Mr. Richardson assured them that they would be.
- III. **MOTION** by Morrow/Hampton to close the public hearing. **MOTION CARRIED 3-0-1.** The public hearing was adjourned at 6:58 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
December 6, 2004
REVISED

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Virgil Schroeder, Dave Morrow, and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Town Attorney Greg Murray.
- II. Minutes of Previous Meeting:
 - A. **MOTION** by Schroeder/Klinger to approve minutes of budget workshops on October 11, 13, and 15, along with the budget public hearing and special meeting of the electors on November 30, 2004. **MOTION CARRIED 3-0-1.** Morrow abstained.
 - B. **MOTION** by Klinger/Hampton to approve minutes of the October 28 budget workshop. **MOTION CARRIED 3-0-2.** Morrow and Schroeder abstained.
 - C. **MOTION** by Schroeder/Klinger to approve the minutes of the regular town board meeting on November 15, 2004. **MOTION CARRIED 3-0-1.** Hampton abstained.
- III. Finance Report:
 - A. **MOTION** by Schroeder/Klinger to approve payment of bills corresponding to checks #11251 to #11322, except for check #11318, which should be held for consideration at the next meeting. Voided checks #11276 and 11298 were also included in the motion. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Schroeder/Klinger to accept net worth at \$516,875.19. **MOTION CARRIED 4-0.**
- IV. Public Concerns: None.
- V. Right of Way Permits:
 - A. **MOTION** by Schroeder/Klinger to approve Alliant to trench across the right-of-way for new electric service at 3688 W. Jargo Road. **MOTION CARRIED 4-0.**

Steve Anders arrived at 7:10 P.M.
- VI. Landfill Update:
 - A. Chairman Hampton reported that the 11/17 test showed no methane detects in either gas probes 8 or 9.

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
December 6, 2004
REVISED

- B. Tina Seybold of Strand Associates, Inc., presented graphs and supporting data summarizing landfill monitoring:
1. Gas vent wells 1, 2, and 3, located in landfill, routinely show 20-30% methane, which is to be expected and indicates they are working properly.
 2. Gas probes 1 thru 9 are located around the landfill. GP1 typically shows 25-35% methane. GP2 is sporadic. GP3 thru 9 show no or low detections (.05% methane). GP 7, 8 and 9 are monitored monthly because they are the primary ones between the landfill and the subdivision.
 3. Groundwater monitoring wells surround the landfill. Some VOC's were found in two of the monitoring wells.
 4. Four private drinking water wells are monitored, and have not shown any VOC's. Access to P10 was denied for the last test, but will be sampled from another home at the time of the next scheduled test.
 5. Monitoring operation for 2005 is expected to continue under the same plan.
- C. Ms. Seybold presented an already filled-in application for Notice of Intent to Apply for the Land Recycling Loan Program. **MOTION** by Anders/Klinger to approve the application. **MOTION CARRIED 5-0.**
- VII. Approval of Blasting Permit – RG Huston: **MOTION** by Klinger/Anders to approve the blasting permit for RG Huston at the “Skaar Pit”, NW corner of Hwy N and Hwy 12 & 18, with the requirement that the Archies and the Harveys be notified prior to blasting. **MOTION CARRIED 5-0.**
- VIII. Town Ordinance – Non-metallic mining: Attorney Murray presented a draft version of the ordinance which regulates operation but not reclamation of the non-metallic mines. Regulation of reclamation would be turned over to the county. Consensus of discussion was to reduce the permit fee to \$250, do away with the bond requirement for both a non-metallic mining permit and a blasting permit. Insurance certification could be required for a blasting permit. **MOTION** by Morrow/Schroeder to direct Attorney Murray to re-draft the ordinance with the changes discussed, and eliminate all references to reclamation. **MOTION CARRIED 5-0.**
- IX. Skip to discussion of Three Oaks Sub-Division to County Road BB. Joe Kuhn of Soleil Development Corp. reported that Barbara Ring has offered access from Three Oaks to Buckley Ridge. The board was not in favor of this option. Buckley Ridge is not designed for heavy traffic, the intersection of Buckley Ridge and County Road BB would need to be re-worked, and Buckley Ridge homeowners purchased there believing they were on a dead end road. Mr. Kuhn indicated that no progress had been made in

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
December 6, 2004
REVISED

acquiring access through the school property. He also mentioned that he had contacted the county regarding Soleil possibly paying for traffic signals at Hwy N and Taylor Street.

- X. Hubred Lane Cul-de-Sac: Hwy Superintendent Smith reported that the land owner at the end of Hubred lane wants to stop the garbage truck from turning around in his driveway. He presented a survey map of the road. The landowner's house is at the end of the road and is too close to allow adequate setback, which restricts him from substantial improvements, or from rebuilding in the event of a fire. It was proposed to shorten the road enough to give adequate setback for the house in exchange for the land needed to build a cul-de-sac at the new end of the road. Discussion was about how to charge for the work. A consistent policy is needed because there are several more such situations in the township. Attorney Murray will send information for review regarding establishing benefit for special assessment. He indicated that two meetings will be needed to complete a special assessment.
- XI. Skip to purchase of chairs and coat rack for meeting room. Rev. Brill from Cottage Grove Baptist Church was present. Supervisor Morrow has obtained a price of \$45/chair. **MOTION** by Klinger/Schroeder to authorize Morrow to purchase 70 chairs. 50 will be owned by the town, 20 by the church. The church will pay for all of the chairs, and will not pay any rent for the Town Hall until the cost of 50 chairs has been used up. Morrow is also authorized to purchase a six-foot coat rack, which the church will donate \$100 towards. **MOTION CARRIED 5-0.**
- XII. Budget Amendment Resolution for 2004 Budget. **MOTION** by Anders/Klinger to move \$1336 from account #51880 to account #50340 for the new office computer. **MOTION CARRIED 5-0.**
- XIII. Approval of 2005 Budget. **MOTION** by Klinger/Hampton to approve the 2005 Budget. **MOTION CARRIED 5-0.**
- XIV. Consider Christmas and New Years Holiday Pay/Office Hours: Consensus was for the office to be closed on Friday December 24th and Monday January 3rd, open on Monday December 27th and Friday December 31st.
- XV. ETZ: Chairman Hampton asked Attorney Murray to rework the sample resolution to establish ETZ provided by the Village of Cottage Grove for approval at the December 20 meeting.
- XVI. **MOTION** by Anders/Klinger to MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral advice concerning Hydrite Litigation and Dismissal of agreement. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 5-0.** Moved to closed session at 9:12 P.M.

TOWN OF COTTAGE GROVE
REGULAR BOARD MEETING
December 6, 2004
REVISED

XVII. **MOTION** by Morrow/Klinger to arise from closed session. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 5-0.** Reconvened to open session at 9:27 P.M.

XVIII. Clerk's Report. None.

XIX. Board Reports

A. Cable – Attorney Murray stated that after reviewing the cable franchise agreement, it does not appear that cable internet service was included in the agreement.

XX. Committee Reports

A. Joint Fire Department: A new water softener has been installed, and painting is in progress.

XXI. **MOTION** by Schroeder/Morrow to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:54 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD CLOSED SESSION
December 6, 2004

NOT A PUBLIC RECORD – Approved and Released 2/21/2005

- I. **MOTION** by Anders/Klinger to MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19385(1)(g) for the purpose of conferring with legal counsel who is rendering oral advice concerning Hydrite Litigation and Dismissal of agreement. **Roll-Call vote – Klinger-aye, Morrow-aye, Schroeder-aye, Anders-aye, Hampton-aye. MOTION CARRIED 5-0.** Moved to closed session at 9:12 P.M. Also present were Clerk Banigan and Attorney Greg Anderson.
- II. Attorney Murray reviewed the latest draft of the settlement agreement, stating that it is down to a single policy issue to do with releasing Hydrite from obligations arising from any future failure of replacement wells. He stated that each landowner has a private contract with Hydrite which covers such obligations. In addition, Hydrite is obligated to provide casing for new wells in the casing area. Consensus of the board was for Attorney Murray go with the proposed language, but not spend much time arguing if it is disputed.
- III. **MOTION** by Morrow/Klinger to arise from closed session. **Roll-Call vote – Klinger-aye, Morrow-aye, Schroeder-aye, Anders-aye, Hampton-aye. MOTION CARRIED 5-0.** Reconvened to open session at 9:27 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND REGULAR BOARD MEETING
December 20, 2004

NON-METALLIC MINING ORDINANCE PUBLIC HEARING

- I. The public hearing was called to order by Chairman Hampton at 6:55 P.M. Members present: Chairman Kris Hampton, Supervisors Virgil Schroeder, and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Town Attorney Connie Anderson.
- II. Chairman Hampton asked the public if there were any questions regarding the proposed new Non-Metallic Mining ordinance. No questions were asked.
- III. **MOTION** by Klinger/Schroeder to close the public hearing. **MOTION CARRIED 3-0.** The public hearing was closed at 6:59 P.M.

REGULAR BOARD MEETING

- I. The meeting was called to order by Chairman Hampton at 7:00 P.M. It was determined a quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way. Members present: Chairman Kris Hampton, Supervisors Virgil Schroeder, Steve Anders and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Town Attorney Connie Anderson.
- II. Minutes of Previous Meeting:
 - A. **MOTION** by Schroeder/Klinger to approve minutes of the public hearing and regular board meeting on December 6, 2004, with the following correction to item XII. of the regular board meeting minutes: Budget Amendment Resolution for 2004 budget, funds moved from account #51880 to 50340. **MOTION CARRIED 4-0.**
- III. Finance Report:
 - A. **MOTION** by Schroeder/Klinger to approve payment of bills corresponding to checks #11323 to #11363, except for check #11360, which should be held until work is completed. The motion also included the release of check 11318 from the last meeting. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Klinger to accept net worth at \$701,214.84. **MOTION CARRIED 4-0.**
 - C. Treasurer Simonson presented a draft of the Capital Asset Capitalization Policy she had prepared. Attorney Anderson emphasized how fortunate the Town is to have a treasurer who took on this project herself, further stating that other municipalities had spent considerable amounts of money to have someone develop their policies. The policy will be on the January 3, 2005 agenda for approval.
- IV. Public Concerns:

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND REGULAR BOARD MEETING
December 20, 2004

- A. Kathy Bollig presented a survey map showing her 2.54 acre parcel at 2619 Hwy 12 & 18 divided into three parcels, and expressed her desire to build 2 additional houses for her children. She stated that she had documents showing that the lot had originally been 3 lots. She thought current zoning is RH1. Chairman Hampton stated that he could not ever remember a request to further divide a residential parcel. The board advised Mrs. Bollig to appear under public concerns at the January 26th Plan Commission meeting, and that she should bring along documentation showing prior lot configuration.
- B. Greg Scallissi, 3637 Natvig Road, reported that the Dane County Board of Adjustments had turned down his request for a variance from required road setback to permit construction of a detached garage, and had recommend he apply for a zone change to R2 or R3. After examining the zoning code, the Board recommended R3, and Attorney Anderson suggested Mr. Scallissi offer to deed restrict the property to R1 uses. Mr. Scallissi was referred back to the Plan Commission, and the Board consensus was that the fee he paid for the original variance request should apply.
- C. Brent Kinney of 4660 Baxter Road appeared stating that the assessor had not followed through with what Mr. Kinney understood was to take place after open book. In 2003, the Kinney's assessment increased significantly because part of the parcel was categorized as forest land. It was determined that it was in fact swamp, and the 2004 assessment was adjusted accordingly. Mr. Kinney understood that the 2004 assessed value was to be reduced further to reduce 2004 taxes by \$800 to compensate for the over-assessment in 2003, then put up to the correct amount in 2005. This did not occur.

Supervisor Dave Morrow arrived at 7:40 P.M.

Morrow stated that he had spoken with Mr. Kinney about this issue, and had called the assessor's office about it. The assessor's office is sending a transcript of Mr. Kinney's open book session for the board's review at the January 3, 2005 meeting.

- V. Right of Way Permits: None.
- VI. Landfill Update: Chairman Hampton stated that he had asked Attorney Anderson to send a letter to Village Attorney Boushea and the insurance attorney asking for a meeting. The last one was held in September.
- VII. Cottage Grove Snowmobile Club – Trail on Ridge Road. Ryan Horstmeyer and Larry Morris represented the snowmobile club. The trail is marked running in the ditch in the road right-of-way for about a mile starting at the Coffey farm and running north. The trail has been relocated due to the development in the Village's commerce park and the refusal of a landowner east of the commerce park. Highway Superintendent Smith stated his concern that the new trail will interfere with snow removal, and that snowmobiles will deposit snow on driveways as they cross. Mr. Horstmeyer stated that he had designed the

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND REGULAR BOARD MEETING
December 20, 2004

trail with crossings to avoid driveways as much as possible. Mark Olejniczak, a property owner to the south, stated his opposition to the trail on Ridge Road because in the past he has had snowmobiles running unauthorized on his property, and he felt the trail would bring even more such traffic. Chairman Hampton asked what liability the Town has for the trail. Attorney Anderson stated there should be no Town liability because it is not a Town trail. Mr. Horstmeyer stated that the Town is named on the Snowmobile Club's insurance policy. Chairman Hampton asked for a copy of the insurance policy for the Town's records.

- VIII. **MOTION** by Klinger/Anders to approve the Nonmetallic Mining Ordinance and changes to chapters 7, 11 and 16. **MOTION CARRIED 5-0.**
- IX. **MOTION** by Anders/Klinger to release the Nonmetallic Mining Permit Bonds under former Chapter 17. **MOTION CARRIED 5-0.**
- X. Plan Commission recommendations:
- A. Gail Kelln & Wayne Kiehnau presented two site plans (A & B) for their proposed private equine breeding and training facility and family residence on County Road BB. The two plans were prepared to allow for alternate driveway locations, depending upon which is approved by the Dane County Highway Department. Kelln and Kiehnau stated a strong preference for plan A, which they feel gives better visibility for pulling onto County Road BB, and does not encroach on neighboring homes as does plan B. **MOTION** by Hampton/Anders to approve the rezone from A-1EX to A-2(8) for 11.06 acres with a CUP to allow only horse boarding, stables and riding stables. That leaves no RDU's left on the 62 acre parcel. **MOTION CARRIED 4-1.** Schroeder opposed.
- XI. Hubred Lane Cul-de-Sac: Attorney Anderson presented a memo on Special Assessments, two discussion documents describing how special assessments work, and a sample special assessment policy. Consensus was for Highway Superintendent Smith to work on a special assessment policy for cul-de-sacs, and that they should be funded by 100% assessment.
- XII. Locks for Town Buildings: Highway Superintendent Smith stated that keys and tumblers for locks on Town buildings are wearing out, and the locksmith has recommended that all locks be reworked, and that a new key be kept for making copies. The cost is estimated at about \$10/lock. **MOTION** by Morrow/Schroeder to re-work the locks for the Town buildings, and to distribute new keys. This should be done in 2004 if possible. **MOTION CARRIED 5-0.**
- XIII. ETZ Resolution: After much discussion regarding the impact of ETZ on the Town, **MOTION** by Morrow/Anders to hold the ETZ Resolution until the January 17, 2005 meeting to provide for public input at that meeting, and to review the map the Village

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND REGULAR BOARD MEETING
December 20, 2004

would like to include as well as recommend a map of the ETZ area that the Town would support. **MOTION CARRIED 3-2.** Hampton and Schroeder opposed.

- XIV. Boundary Resolution. **MOTION** by Anders/Schroeder to approve Resolution R2004-15: Resolution calling for the Joint Planning Committee to Commence Boundary Agreement Negotiations Among the Town of Cottage Grove, the Village of Cottage Grove, and the City of Madison. **MOTION CARRIED 5-0.**
- XV. Deerfield School District Resolution. Note that Attorney Anderson did not participate in this item due her representation of the Village of Deerfield. **MOTION** by Anders/Hampton to approve Resolution 2004-6 to authorize the Deerfield Community School District to use tax dollars for crossing guards in the Village of Deerfield. **MOTION FAILED 2-3.**
- XVI. Approve Election Inspectors. **MOTION** by Schroeder/Anders to approve the proposed list of Elections Inspectors for the 2005-2006 term. **MOTION CARRIED 5-0.**
- XVII. Hydrite Final Settlement Agreement: **MOTION** by Schroeder/Anders to approve the Hydrite Final Settlement Agreement as presented by Attorney Anderson. **MOTION CARRIED 5-0.**
- XVIII. Urban Town's Committee Meeting, January 15, 2004. Chairman Hampton plans to attend the meeting.
- XIX. **MOTION** by Klinger/Hampton to MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral advice concerning Olson litigation. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 5-0.** Moved to closed session at 10:04 P.M.
- XX. **MOTION** by Klinger/Morrow to reconvene to open session. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 5-0.** Reconvened to open session at 10:16. No action was taken as a result of the closed session.
- XXI. Clerk's Report. None.
- XXII. Board Reports: None
- XXIII. Committee Reports:None.
- XXIV. **MOTION** by Klinger/Schroeder. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:17 P.M.

Kim Banigan
Clerk